

The Villas at Swan's Nest Condominium Association, Inc.

ADDENDUM #2

UNIT REMODELING/CONSTRUCTION REGULATIONS

The intent of this document is to memorialize and clarify the procedure for undertaking remodeling and construction within a Unit at The Villas at Swan's Nest. This replaces section #3 in the rules and regulations.

It is the Owner's right to modify their Unit(s) for their use as long as such modification does not impact the Common Elements of the Association. This document lets the Owner desiring to do remodeling know what is expected by the Association with respect to both the work done within the Unit as well as the limit of impact (including noise) on the Common Elements including but not limited to beams, supports, roofs, halls, corridors, utilities, walkways, parking areas and the Limited Common Elements including decks, patios, and flues. Routine painting, replacing drapes and blinds (there are clarifications within the rules on blinds and approved window coverings), within the Unit does not need to be registered prior to the work but the limitations on impact to Common Elements still applies.

Only Colorado licensed and insured contractors, registered to do business in Summit County, shall be utilized to perform remodeling/construction by the Owner. Prior to work commencing the following registration form, which requires a certificate of insurance (see page 10 for example insurance certificate) from the contractor, shall be submitted and approved by the Architectural Review Committee (ARC). Any Owner wishing to do renovation work on their Unit themselves is bound by all regulations that apply to General Contractors or Sub Contractors as outlined in this document and as required by Summit County. Owners wishing to do their own work, must in writing, submit a request outlining that they will be doing all of the work with no outside workforce (contractors, repair men, handy men, temp laborers).

Once the renovation is approved, the General Contractor must initial each rule. The General Contractor is responsible for making sure all Sub-Contractors and workforce abide by these regulations.

The Owner shall be responsible for the cost of resolving any issues impacting the Common Elements or other condominium units, such as electrical, plumbing, structural, or cosmetic problems, during or after the Unit remodel/construction work.

The Owner shall be responsible for the cost(s) of the exterior encroachment license agreement to be registered with the county as part of the owner's property. Only required if the agreement is being entered into as part of the project proposal.

The Owner shall also be responsible for the expenses incurred for either the removal of demolition material or cleanup of the common areas, which may become necessary as the work progresses. The Association will charge the Owner these costs of impact, if any.

PRIOR TO COMMENCING CONSTRUCTION, THE OWNER MUST:

- 1) Owner and Contractor shall complete, initial, sign and submit one (1) copy of the **INTENT TO REMODEL Form**. This will be kept on file with Manager's Office.
- 2) Owner shall submit a completed exterior encroachment license agreement if an exterior project is being requested. Cost to file with the county will be the owner's responsibility.
- 3) Owner shall submit a \$500 Compliance deposit. Deposits will be refunded at end of projects based on compliance with the terms of remodel policy.
- 4) All General Contractors, Subcontractors or Vendors who will be performing work on the property in any way are required to have proper insurance, and are at minimum required to have general liability insurance. The Villas at Swan's HOA is required to be listed as an additional insured with that wording spelled out on the certificate, and must have valid/current policy dates. This is a requirement of the HOA's insurance policy and cannot be waived. Please see page 10 for attached example insurance certificate.
- 5) The ARC will approve or document any required changes via letter back to the owner within 10 days from the submittal of the completed Form, required construction documents and deposit.
- 6) Submit plans to the **Summit County Building Department, (970) 668-3170**. If Required.
- 7) Receive permit(s) issued from the Summit County Building Department. If Required. Issued permits are to be kept on file with property manager office as well.
- 8) Make sure that the General Contractor meets with the Property Manager to review the Renovation Regulations if there are questions or concerns.
- 9) All communications and required paperwork will be coordinated through the property manager's office and staff.
- 10) Owner and Contractor shall update Property Manager on any changes to the project scope, time lines, or issues that may impact the property.
- 11) Additional specific rules are outlined within the intent to remodel form that is to be completed.

The Villas at Swan's Nest Condominium Association, Inc.

INTENT TO REMODEL FORM

This form must be completed, initialed, signed and provided to the Property Manager and approved by the ARC prior to beginning any renovation. Compliance Deposit of \$500.00 will be charged to owner once project has been approved, Deposit is to be paid prior to any work starting.

The deposit will be held until the project is complete and has been inspected by the Property Manager. Any damage to the Common Elements, Limited Common Elements or other Units will be corrected to the same or better condition as existed prior to commencement of the construction. These repairs must be made upon completion of renovation and will be coordinated and supervised by Property Management at the direction of the Board of Managers. The deposit will be held until repairs are complete and will be used to pay for these repairs. If the Owner's deposit is insufficient to pay for the repairs needed to the Common Elements or other units, then the homeowner will be assessed for the additional charges.

ALL FIELDS ARE REQUIRED

Name _____.

Phone _____ Unit # _____. Email Address _____.

Building Permit #(s) _____ (to be provided when obtained)

Contractor _____.

Email Address _____.

Phone (on-site contact) _____.

TOTAL VALUE OF WORK _____.

\$500 Deposit Required _____.

Contractor's Certificate of Insurance No: _____.

Estimated Start Date _____ Estimated Completion Date _____.

Description of Work to be accomplished (Fill in below and/or attach additional sheets as needed)

Each regulation below must be initialed by the Owner and Contractor:

Permits Must Be Obtained if required by Summit County Planning or Building Depts.

_____ We recognize that the insides of your units are yours to do with as you choose, but keep in mind that behind the drywall is the common area of the building. There could be wiring and plumbing connected to and affecting other homeowners in the building. New electrical and plumbing locations require permits.

_____ In some cases, there may be load bearing walls within your units that, if removed, could affect the structural integrity of the building. Removing or adding walls require permits, and approval of a structural engineer.

_____ For renovations requiring Summit County permits, permits will be obtained by either the contractor or the Owner from the Summit County offices. Project approval by the ARC does not mean permits are not required, and all project must be reviewed by Summit County for permit issues.

_____ If there are insurance claims resulting from unit remodeling/construction activity and there is no evidence of work permits and county inspections as the work progresses, the insurance claim could be denied and any damage caused will be the responsibility of the unit owner.

_____ In general, permits must be obtained when adding or moving plumbing fixtures (not replacing fixtures), adding or moving electrical fixtures (not replacing fixtures), moving walls, replacing windows. For a complete list of projects that require permits, check with the Summit County Building Department. Copies of all building permits shall be provided to the Association.

Contractors

_____ All Construction and improvements of any kind shall be performed only by contractors licensed by an authority recognized by the State of Colorado and a registered contractor in Summit County. All such contractors shall have liability and worker's compensation insurance and shall provide proof of such insurance to the Association prior to the commencement of any work on the property. The Association may halt any work in progress if proof of current liability and worker' compensation insurance applicable to such work is not on file with the Summit Community Management (SCM) – the Association's Management Company. All General Contractors, Subcontractors or Vendors who will be performing work on the property in any way are required to have proper insurance, and are at minimum required to have general liability insurance. The Villas at Swan's HOA is required to be listed as an additional insured with that wording spelled out on the certificate, and must have valid/current policy dates. This is a requirement of the HOA's insurance policy and cannot be waived. Please see page 10 for attached example insurance certificate.

_____ The General Contractor/Owner must be present on the construction site on a daily basis when work is occurring. Oversight of the project is the sole responsibility of the owner or contractor, and NOT that of the HOA, ARC, or the property manager.

_____ Prior to beginning construction, the Owner/General Contractor may meet with the Property Manager to review the renovation regulations and to determine where on the property, materials and equipment can be unloaded, where on the property construction vehicles can drive and where construction vehicles can park. This includes where a dumpster or Port-a-John, may be placed.

_____ All Contractors hired by VSN Owners MUST be respectful to Property Manager staff, Owners, guests and tenants. Any infraction of this rule will cause the contractor to be removed from the property and not allowed to re-enter. Should this situation occur, the Owner of the unit will be contacted immediately so that their Contractor or Sub-contractor can be replaced.

_____ All Sub-contractors must be licensed in the state of CO, and must adhere to all terms and conditions as outlined for Owners and General Contractors.

_____ Any rule stated for Contractors, with the exception of the requirement to be on site daily, will apply for Sub-contractors.

_____ The Owner is responsible for all actions of the General Contractor and the Sub-contractors.

Utility Interface

_____The Owner is responsible for any damages to utilities (water, sewer, gas, electrical, telephone, cable or internet).

_____In the event access to any other Unit is required to locate Utilities, the Owner of the unit under renovation shall obtain written consent of the Owners of Unit to be accessed and provide that written permission to the Association/Property Manager.

_____When renovating bathrooms, the Owner shall install integral stops (valves) for all baths and showers. If the existing condition includes integral stops, these must be replaced in their existing location. Management must to be contacted when this is done so the installation can be verified.

_____When renovating bathrooms, if penetrating walls, the Owner shall replace or rebuild the shower valve. Management must to be contacted when this is done so the installation can be verified.

_____If the shut off of any utility is required; at least 48 hours prior notice must be given to the Property Manager to allow 24-hour notice for building occupants.

_____The shut off of any utility will be coordinated with the Property Manager's staff schedule.

_____During the renovation, utilities can be shut off twice without cost to the Owner. Subsequent shut offs will be charged by Property Manager to the Owner at \$65/shut off.

Window Replacement

_____New windows must be the same size dimensionally as the old window. Larger, smaller or new window openings are not permitted.

_____New windows must have a U factor < .35 per the Summit county code requirements. All full frame window replacements require a building permit.

_____New windows must be warrantied for multi-family use at our altitude.

_____New windows must be 100% matching in style, color (white), and operation of window. This also includes the white grill on the inside of the glass.

Flooring Replacement

_____In order to minimize sound transmission between Residential Units, the Owners of any Residential Unit shall not install any hard surface floor materials including, without limitation, tile, marble, wood or vinyl floor material in his or her Residential Unit unless he or she has first obtained the Association's approval.

_____The Association may condition its approval of any flooring installation upon any or all of the following: (a) a limitation on the area where hard surface floor covering materials may be

installed, (b) a requirement that the Owner provide the Association specifications regarding the floor covering materials, or (c) a requirement that the Owner install such sound dampening material underneath the floor material as outline in the Summit County building codes.

_____ Floor coverings for the balconies are not allowed, floor coverings within garage cannot be visible from the exterior of the building in any way.

_____ Owners who plan to replace flooring in their units should make arrangements to repair any squeaky areas in the sub-flooring prior to installation of new flooring. This will help mitigate sound transference from unit to unit. Arranging for repair of squeaky sub-flooring is the responsibility of the unit owner and not the HOA or Management Company.

Construction Debris

_____ The General Contractor/Contractor will provide a dumpster (or trailer) for construction debris or take all construction debris to the landfill on a daily basis. No construction waste maybe placed in the on-site dumpsters at the complex.

_____ All construction debris will be placed in the dumpster (trailer) immediately. Any construction debris found in HOA trash dumpsters will cause a fine to the Owner pursuant to the Association's Covenant and Rule Enforcement Policy.

_____ The location of the dumpster (trailer) will be coordinated with the Property Manager.

_____ The dumpster (trailer) must be covered at all times. Villas at Swan's Nest has bear issues and requires contractor work to minimize those issues.

_____ The dumpster (trailer) will be emptied when $\frac{3}{4}$ full.

_____ No construction debris will be left in the hallways, stairwells, or outside the building at any time.

_____ Any dust or debris that is tracked into the General Commons area, including decks, will be cleaned up at the end of each day by the contractor. Any dust or debris left in the general common areas overnight will be cleaned up by Property Manager Staff and a fine charged to the Owner pursuant to the Association's Covenant and Rule Enforcement Policy.

General Construction Rules

_____ Any renovation must comply with all Summit County requirements, standards and building codes, as well as, all Federal and State requirements.

_____ General Common Elements (hallways, stair cases) and other Condo Units must not be affected by the renovation

_____ Construction may only take place between the hours of 8 am – 5 pm, Monday through Friday. If extended hours are needed, please contact Property Management.

_____ All construction must be conducted inside the effected unit, on the unit deck or patio or outside the building. No work may be done in the hallways or stairwells. For work outside the building, the contractor must coordinate location with Property Management.

_____ All equipment, supplies, tools etc. required for the renovation must be stored within the condo unit or off-site.

Exterior Projects

_____ The exterior of the Units and all other areas appurtenant to a Unit, including fences, balconies, decks and patios, shall not be painted, decorated or modified by any Owner, in any manner without prior written consent of the Villas at Swan’s Nest Association, Inc., a Colorado non-profit corporation, (the “Association”), which consent may be withheld on purely aesthetic grounds within the sole discretion of the Association.

_____ Owners wishing to create/install a garden, or extend their patio space, must complete the Exterior Encroachment license agreement in addition to other forms as required. Additional information, drawings, or other information may be required by the ARC to determine if project will be approved. All costs relative to filing this agreement will be paid for by the owner.

_____ Owners who have signed an Exterior Encroachment Agreement with the Association must maintain the area. It is expected that gardens are well maintained, weeded, watered, and kept free of dead flowers, plants, and shrubs. Patio extensions must be maintained, weeded, and pavers that are cracked or crumbling must be replaced. Any patio extensions shall be kept level without areas of heaving or sinking.

_____ Gardens, Flower beds, or other planting must be install against the owner’s patio, and may not be installed out in the general lawn areas, against the tree lines, or against the river area(s). Sprinkler system modifications will be charge to the owner, these include but are not limited to changes due too new plants blocking watering, or other obstacles that create a need for the sprinklers to be adjusted, re-located, or new heads added.

_____ Trees are not allowed to be in these gardens or planting beds. Trees get big, and the HOA does not want to have to cut trees down in the future because they are too close to the buildings.

_____ Patio extensions must be created of pavers or other stone products that can be easily removed if required. Concrete or other Permanente materials may NOT be used at any time.

Patio extensions may only be touching or connecting an owner's patio(s) and may not connect to the common sidewalks or another unit's patio(s).

Damage to Property

_____ Owners are financially responsible for any and all repairs of damage caused by the construction to any part of the property and for any reconstruction required to restore General Common Elements, Limited Common Elements, Other Condo Units, Decks and Patios, and/or the Grounds. The Property Manager for The HOA will be responsible for coordinating repairs to ensure the repairs are done properly and in a timely manner. Reconstruction will be to the same or better condition than prior to commencement of the construction, upon completion of improvements to the property.

_____ I understand that any violation of the agreement or rules listed above will result in a minimum of \$100.00 fine which will be deducted from the compliance deposit. There will be no additional written warnings as this documents serves as written warning of the rules. After fines and any charges for damages are deducted, the balance of the compliance deposit will be refunded within 30 days of receipt of a Final Inspection Sign Off provided by the Owner from the Summit County Building Department and the issuance of a Certificate of Occupancy from the Summit County Building Department, should the renovation be extensive enough to require a building permit, and final inspection of the Property Manager.

_____ Should the construction initiated by the Owner result in any additional costs to the Association beyond the compliance deposit, the Association reserves all rights available to it to remedy the situation.

The above document is read, understood and agreed to by:

Print Name(Owner) _____

Unit Number _____

Signature _____

Date _____

Print Name(Contractor) _____

Unit Number _____

Signature _____

Date _____

