

Sun Peak Master Homeowner's Association
Design Review Committee Policy Amendment
February 10, 1998

Certified Surveys Require Prior To and During Construction

All improvements within Sun Peak (whether new or in addition to existing improvements) must be located within a "building envelope" that is defined by:

- A. The setbacks in Mahogany Hills and Cedar Draw.
- B. The building envelopes defined on the legally recorded plats for Cedar Draw Estate and Winter Park Estates.
- C. The final map and the agreed upon setbacks for the Willow Draw Cottages and the Winter Park Townhomes/Condominiums.

To ensure the correct placement of improvements on each Sun Peak lot, the following directions shall be followed prior to and during construction:

1. Submit improvement plans for approval to the Sun Peak Design Review Committee (DRC) which include a topographical survey plan of the lot showing the building envelope, the placement of all improvements on the lot, and showing the edge of the street or road in front of the lot. The plans must also include elevations (that show natural and final grades) and the location of all improvements. Any plans that are submitted lacking these topographical survey plans will be considered incomplete and shall not be reviewed by the DRC until such plans are included, along with all other requirements necessary for a proper DRC review.
2. Once final approval from the DRC is received, construction may begin. However, no excavation is allowed to begin on any Sun Peak lot unless it has been shown on the improvement plans, approved by the DRC, and until the location of such excavation is certified by a licensed surveyor as complying with the DRC approved improvement plans. Such certification must be provided to the DRC in writing by the licensed surveyor.
3. Once footing forms for any structure or improvement in Sun Peak are built, an additional certification from a licensed surveyor must be forwarded to the DRC – certifying compliance with the placement of the footing forms in relationship to the DRC approved improvement plans, and stating that the footing forms are at the proper depth and location.

Failure to comply with these procedures will result in, among other things, a stop work order being issued by the DRC, possible recordation of such stop work order against the property, further legal and construction costs if any future certification indicates that the excavation and / or any footing forms or structural improvements are not placed approved by the DRC on the improvement plans for the site. These penalties shall be in addition to any other legal remedies that the Sun Peak Master Homeowner's Association may have in law or equity.

No approval provided by the DRC shall replace or reduce the requirements set forth by Summit County as it related to improvements designated for the lot. Such restrictions, covenants and conditions as are included in the DRC approvals and the CC&R's recorded on the lot shall be in addition to, not in place of governmental restrictions and regulations regarding construction within the Sun Peak community. No approval by the DRC guarantees the construction, the correctness of the plans or the use of the improvements included on the plans submitted for approval by the DRC.