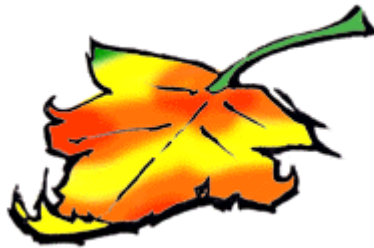


Welcome
to



THE
DOWNS
GRANT

**This Homeowner's Manual should be kept
for reference by the current residents.**

<http://www.downsgrant.com>

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THE DOWNS GRANT WELCOME LETTER

Your Board of Directors would like you to have a copy of our Welcome Package. It includes pertinent information for you as members of The Downs Grant Homeowners Association.

The residents and the Homeowners Association of the Downs Grant extend a warm welcome to you. By owning a home in the Downs Grant, you are automatically and necessarily a member of the Homeowners Association.

The Downs Grant Homeowners Association, to which all homeowners are members, holds eleven acres of land in trust for the membership. In these eleven acres, we have jogging and walking trails, a ball field, a tennis court, a basketball court, a children's playground, and a play area for older children. This area is maintained for the membership with annual dues paid by the homeowners. An Architectural Control Committee also must approve any and all improvements to the exterior of homes (i.e. fences, storage buildings, additions to homes, etc.), or any changes to the exterior color of the home or trim. This is so that certain standards are maintained and the property values are kept up for all homeowners.

The recreational facilities are for you and your guests to enjoy. There are picnic tables and a barbecue pit down by the tennis court. If you are entertaining a group of more than four and plan to use the common facilities, please contact a member of the board to reserve the space.

The Board of Directors and Committee members are composed of volunteers interested in promoting and maintaining a sound community. Every homeowner and resident is urged to participate. We can accomplish much more as a group, than we can as individuals. If you wish to help, please contact any of our Board members or Committee members. Homeowners are also welcome to attend the monthly Board of Directors meetings. Contact any of the Board members to find out the time and place of the next meeting.

The neighborhood newsletter, The Downs Grant Chronicle, is published about every two months and will help you get acquainted with the goings-on of the neighborhood. If you have any articles, hints or suggestions to submit, contact the editor of The Downs Grant Chronicle listed on page 6.

Please send any correspondence for any committee or dues to our Post Office Box address:

**The Downs Grant Homeowners Association
P.O. Box 472330
Charlotte, NC 28247**

HISTORY OF THE DOWNS GRANT

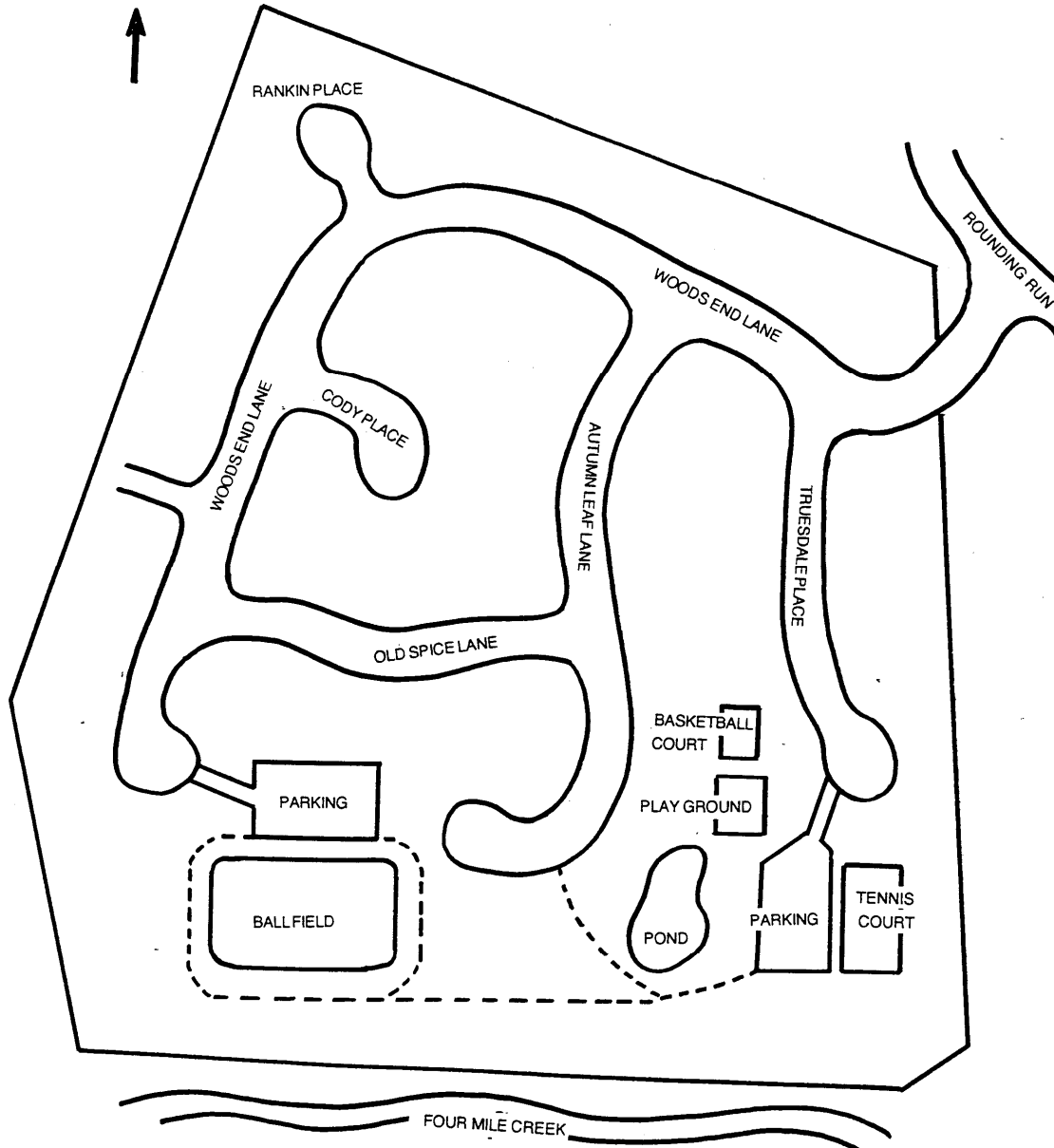
Before the Revolutionary War, specifically on December 23, 1763, the British crown, King George III, gave Arthur Dobbs, then Royal Governor of North Carolina, permission to deed to Henry Downs five hundred acres “on the waters of Four Mile Branch, McAlpine Creek and Sugar Creek”. Henry Downs was one of the twenty-seven signers of the Mecklenburg Declaration of Independence of May 27, 1775.

Henry Downs was born in Virginia on May 5, 1728 and died on October 8, 1798. His wife, Frances Tew, was kin of James Madison, fourth president of the United States. Henry Downs helped Lord Selwyn of England survey a layout of the city of Charlotte. He was one of the organizers of the Providence Presbyterian Church on Providence Road (below Providence West) in 1765 and is buried in the cemetery across from the church.

The original grant in 1763 to Henry Downs has become the Raintree property and the Cedarwood Golf Course. Henry Downs was granted in 1795 five hundred additional acres from the state of North Carolina. Descendants still owned ten acres of the original grant until 1991, when a fire destroyed the Downs homestead on Strawberry Lane. The Fairway Downs community was built on this last parcel of land of the original grant.

The Downs Grant was originally to be called Raintree Downs, but was changed to the present name when William Trotter developed our.

THE DOWNS GRANT STREET AND RECREATIONAL FACILITIES LAYOUT



**BOARD OF DIRECTORS AND COMMITTEES
THE DOWNS GRANT HOMEOWNERS ASSOCIATION**

Board of Directors

President

Vice President

Secretary

Treasurer

Committees

Architectural Control

Communications

Grounds

Recreation

ANNUAL DUES SCHEDULE

See website for details WWW.downsgrant.com

All payments shall be sent to:

The Downs Grant Homeowners Association
P.O. Box 470952
Charlotte, NC 28247-0952

Overdue Payments:

The treasurer will send one reminder notice along with the extra handling charge to those whose payments are overdue.

Payments not postmarked by the 20th of January will be assessed a penalty.

Payments not postmarked by the 1st of February will be assessed a penalty and will be turned over to Small Claims Court.

The Downs Grant Homeowners Association

Rules and Regulations **Governing the Use of the Commons Area Property and** **Facilities**

The Downs Grant Commons Area (the commons) and its facilities are for the use and enjoyment of all residents of the Downs Grant (the community) and their escorted guests.

All owners of lots within the community are members of the Downs Grant Homeowners Association (the association) and should insure the good care of their commonly owned property. The use of the commons by any resident should not unfairly interfere with the use and enjoyment of the commons by other residents of the community.

Use of all recreational courts and fields within the commons is to be shared by residents. No person or group shall control the use of these recreational amenities for more than one hour when others are waiting to use the same amenity. Large group or organized team's use of the ball field is to be scheduled in advance of play through the association's Recreational Committee (RC) chairperson, or the Board of Directors if the RC chairperson position is vacant.

Only community residents and their escorted guests may use the commons. There is to be NO TRESPASSING onto the commons by individuals or groups that are not residents of the community without the expressed advanced written permission of one of the association's committee chairpersons or the Board of Directors.

Entry as well as use of the commons is prohibited at night (dusk to dawn).

Regarding possible physical injuries associated with the entry and use of the commons: Please be advised that entry and use of the commons is at your own risk.

All minors entry and use of the commons must be supervised by a parent or guardian.

Trash and litter produced while using the commons may not be discarded anywhere in the commons area except in appropriate trash receptacles, if provided. Otherwise, trash and litter must be returned to resident's property and appropriately discarded.

No structure is to be placed within the commons except as provided by written permission from the association's Board of Directors.

No tree, plant or vegetation may be cut and / or removed from the commons without the specific written approval of the association's Board of Directors.

No motorized vehicles of any type are allowed within the commons except for Board approved grounds maintenance purposes.

No alcoholic beverages or glass containers are allowed within the commons except by special advanced written permission by the association's Board of Directors.

No illegal substances or activities are allowed within the commons.

No weapons of any type are allowed within the commons. This restriction includes but is not limited to: pellet and BB guns, archery equipment, paint-ball devices.

Absolutely no dumping of any type of refuse allowed in the commons area.

Concerning Groups of Visitors

Any resident that desire to entertain a group consisting of seven (7) or more persons within the commons should obtain advanced written approval from the Board of Directors.

Approval will readily be granted to groups such as Boy or Girl Scouts, soft-ball leagues, family parties, and faith and community groups. The objective of this procedure is to avoid conflict, misuse, abuse and liability issues with regards to use of the commons. A waiver of liability must be signed by the appropriate parties responsible for the group activity.

Adopted: January 9, 1980
Amended: June 24, 1981
Amended: September 1996
Amended: March 6, 2008

THE DOWNS GRANT RESTRICTIONS

The following is an extract from The Restrictions Agreement for The Downs Grant. These restrictions are designed to enhance the attractiveness and value of every home in The Downs Grant. This extract is published to give general information only. Actual building plans must also be related to the applicable zoning ordinance.

GENERAL RESIDENTIAL COVENANTS

ARCHITECTURAL CONTROL

No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein, including but not limited to color of painting on the exterior and type of exterior finish, be made until the plans and specifications showing the nature, kind, shape, height, materials, color and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an Architectural Committee composed of three (3) or more representatives appointed by the Board. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

The Owner shall provide exterior maintenance upon each Lot including but not limited to paint, repair, replace and care for roofs, gutters, down spouts, exterior building surfaces, trees, shrubs, grass or other ground cover (including fertilizing and cutting thereof), and maintaining walks, driveways and other exterior improvements.

In the event an Owner of any Lot in the Properties shall fail to maintain the premises and the improvements situated thereon in a manner satisfactory to the Board of Directors or its designated committee, said Board of Directors or its designated committee shall have the right, through its agents and employees, to enter upon said parcel and to repair, maintain, and restore the Lot and the exterior of the buildings and any other improvements erected thereon. The cost of such exterior maintenance and any other costs or attorney's fees caused in the enforcement of the rights under these provisions shall be added to and become a part of the assessments to which such Lot is subject. Approval by the Board of Directors or its designated committee where required shall be provided hereafter.

The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within sixty (60) days after the plans and specifications have been submitted to it, approval will not be required and the related covenants shall be deemed to have been fully complied with; however, in the event the committee is not notified or requested in writing to approve any item recited in these Restrictions, then the committee may institute suit to enjoin and remove any buildings, wall, garage,

outbuilding or other structure located on said premises; and further, the committee may utilize any other legal or equitable remedy.

Section 1. Land Use and Building Type. No Lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.

Section 2. Dwelling Cost, Quality and Size. No dwelling shall be permitted on any Lot at a cost to purchaser including said Lot, of less than \$45,000, based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling area and size. The ground floor area of the main structure located on a Lot, exclusive of one-story open porches and garages, shall not be less than 1300 square feet for a one-story dwelling and not less than 800 square feet for a dwelling for more than one story.

Section 3. Building Location.

(a) No building shall be located on any Lot nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located on any Lot nearer than thirty (30) feet to the front Lot line or nearer than seventeen (17) feet to any side street line.

(b) No building or buildings shall be located nearer than six (6) feet to an interior boundary line on one side of a Lot and eight (8) feet to the interior boundary line on the opposite side of the Lot, except that a detached garage or other permitted accessory building may be located up to two (2) feet from an interior side boundary line, provided that said garage is located at least four (4) feet or more to the rear of the main dwelling.

(c) For the purposes of this covenant, eaves, steps, and open porches shall not be considered as a part of a building provided, however, that this shall not be construed to permit any portion of a building on a Lot to encroach upon another Lot.

In the event of the unintentional violation of any of the building line restrictions herein set forth, Declarant reserves the right by and with the mutual consent of the Owner or Owners for the time being of the property affected thereby, to change such restrictions accordingly; provided, however, that such change shall not exceed ten (10) percent of the marginal requirement of such building line restriction, except that a side yard unintentional violation may be as much as two (2) feet.

Section 4. Lot Area and Width. No dwelling shall be erected or placed on any interior Lot having a width of less than 75 feet at the minimum building setback line, nor shall any dwelling be erected or placed on any Lot having an area of less than 11,250 square feet.

Section 5. Easements. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plats and over the rear ten (10) feet on each Lot. Within these easements, no structures, planting, fences or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction or flow of drainage channels in the easement area of each Lot, and all improvements in it shall be maintained continuously by the Owner of the Lot except for those improvements for which a public authority or utility company is responsible. Within these easements no debris, piles of leaves, grass clippings or other material may be placed or dumped in such a manner that it might be washed by water drainage onto the property of any other Owner.

Section 6. Nuisances. No Noxious or offensive activity deemed by the Architectural Control Committee or its designated committee shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood as determined by said Architectural Control Committee. Although not limited to but included as an offensive activity is the maintenance of an auto repair site, maintaining unsightly outdoor storage on porches, yards, etc., including toys, motorcycles, tricycles, bicycles, or other miscellaneous personal property, or similar unsightly activity not in keeping with the general good looks of the subdivision.

Section 7. Temporary Structures. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence either temporarily or permanently.

Section 8. Parking of Vehicles. No commercial truck, school bus, camper trailer, recreation vehicle, nor any other vehicle deemed by the Architectural Control Committee or its designated committee to be unsightly, shall be parked in the street, in a driveway, in the front yard, in a side yard or in the back yard of any Lot.

Section 9. Signs. No sign shall be displayed to the public view on any Lot except one professional sign of not more than one square foot, one sign of not more than four square feet advertising the property for sale or rent, or signs by a builder to advertise the property during the construction and sales period.

Section 10. Livestock and Poultry. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot and dogs, cats or other household pets may be kept on Lots, provided they are not kept, bred, or maintained for any commercial purposes, and provided facilities for such pets, including horses, and the pets themselves do not create a nuisance as determined by the Board of Directors or its designated committee in which case the nuisance will immediately be abated upon request of said Board of Directors or its designated committee.

Section 11. Control of Dogs. Every person owning or having possession, charge, care, custody, or control of any dog shall keep such dog exclusively upon his own premises; provided, however, that such dog may be off the premises if it be under the control of a competent person and restrained by a chain or leash or other means of adequate physical control.

Section 12. Garbage and Refuse Disposal. No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment shall be kept in clean and sanitary condition.

Section 13. Oil and Mining Operations. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any Lot or Tract, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon any Lot. No derrick or other structure designated for use in boring for oil or natural gas shall be erected, maintained or permitted upon any Lot.

**BY-LAWS
OF
THE DOWNS GRANT HOMEOWNERS ASSOCIATION**

ARTICLE I.

NAME AND LOCATION

The name of the corporation is THE DOWNS GRANT HOMEOWNERS ASSOCIATION, hereinafter referred to as the "Association". The principal office of the corporation shall be located at 1515 Mockingbird Lane, Charlotte, Mecklenburg County, North Carolina, but meetings of members and directors may be held as such places within the State of North Carolina as may be designated by the Board of Directors.

ARTICLE II.

DEFINITIONS

- Section 1. "**Association**" shall mean and refer to The Downs Grant Homeowners Association, its successors and assigns.
- Section 2. "**Properties**" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions and Restrictions, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.
- Section 3. "**Common Area**" shall mean all real property owned by the Association for the common use and enjoyment of the Owners.
- Section 4. "**Lot**" shall mean and refer to any plot of land, consisting of less than one acre, shown upon any recorded subdivision map of the Properties with the exception of the Common Area.
- Section 5. "**Owner**" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
- Section 6. "**Declarant**" shall mean and refer to William Trotter Development Company and William Trotter Company, its successors and assigns if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.
- Section 7. "**Declaration**" shall mean and refer to the Restrictions applicable to the Properties recorded in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

Section 8. **“Member”** shall mean and refer to those persons entitled to membership as provided in the Declaration.

ARTICLE III.

MEETINGS OF MEMBERS

Section 1. **Annual Meetings.** The first annual meeting of the members shall be held within one year from the date of incorporation of the Association, and each subsequent regular annual meeting of the members shall be held on the same day of the same month of each year thereafter. If the day for the annual meeting of the members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.

Section 2. **Special Meetings.** Special meetings of the members may be called at any time by the President or by the Board of Directors, or upon written request of the members who are entitled to vote one-fourth (1/4) of all of the votes of the Class A membership.

Section 3. **Notice of Meetings.** Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least fifteen (15) days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

Section 4. **Quorum.** The presence at the meeting of members entitled to cast, or of proxies entitled to cast, one-tenth (1/10) of the votes of each class of membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws. If, however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be presented or be represented.

Section 5. **Proxies.** At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Lot.

ARTICLE IV.

BOARD OF DIRECTORS, SELECTION, TERM OF OFFICE

Section 1. **Number.** The affairs of this Association shall be managed by the Board of seven (7) Directors, who need not be members of the Association.

- Section 2. **Term of Office.** At the first annual meeting the member shall elect two directors for a term of one-year, two directors for a term of two years and three directors for a term of three years; and at each annual meeting thereafter, the members shall elect directors for a term of three years to fill the terms of those directors whose terms are expiring.
- Section 3. **Removal.** Any director may be removed from the Board, with or without cause, by a 2/3 majority vote of the members of the Association. In the event of death, resignation or removal of a director, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.
- Section 4. **Compensation.** No director shall receive compensation for any service he may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties.
- Section 5. **Action Taken Without a Meeting.** The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

ARTICLE V.

NOMINATION AND ELECTION OF DIRECTORS

- Section 1. **Nomination.** Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two or more members of the Association. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among members or non-members.
- Section 2. **Election.** Election to the Board of Directors shall be by secret written ballot. At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

ARTICLE VI.

MEETINGS OF DIRECTORS

- Section 1. **Regular Meetings.** Regular meetings of the Board of Directors shall be held monthly without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then the meeting shall be held at the same time on the next day which is not a legal holiday.
- Section 2. **Special Meetings.** Special meetings of the Board of Directors shall be held when called by the president of the Association, or by any two directors, after not less than three (3) days notice to each director.
- Section 3. **Quorum.** A Majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

ARTICLE VII.

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

- Section 1. **Powers.** The Board of Directors shall have power to:
- (a) adopt and publish rules and regulation governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;
 - (b) suspend the voting rights and right to use of the recreational facilities of a member during any period in which such member shall be default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulations;
 - (c) exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, or the Declaration;
 - (d) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors; and
 - (e) employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

Section 2. **Duties.** It shall be the duty of the Board of Directors to:

- (a) cause to be kept a complete record of all of its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the Class A members who are entitled to vote;
- (b) supervise all officers, agents and employees of this Association, and to see that their duties are properly performed;
- (c) as more fully provided in the Declaration, to:
 - (1) fix amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period;
 - (2) send written notice of each assessment of every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and
 - (3) foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the owner personally obligated to pay the same, or take such other action which the Board of Directors deem appropriate.
- (d) issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment.
- (e) procure and maintain adequate liability and hazard insurance on property owned by the Association;
- (f) cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate;
- (g) cause the Common Area to be maintained.

ARTICLE VIII.

OFFICERS AND THEIR DUTIES

Section 1. **Enumeration of Offices.** The officers of this Association shall be a president and vice-president, who shall at all times be members of the Board of Directors, a secretary, and a treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2. **Election of Officers.** The election of officers shall take place at the first meeting of Board of Directors following each annual meeting of the members.

Section 3. **Term.** The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 4. **Special Appointments.** The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

Section 5. **Resignation and Removal.** Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. **Vacancies.** A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 7. **Multiple Offices.** The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

Section 8. **Duties.** The duties of the officers are as follows:

(a) President

The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, promissory notes, mortgages, deeds and other written instruments.

(b) Vice-President

The vice-president shall act in the place and stead of the president in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board.

(c) Secretary

The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their addresses, and perform such other duties as required by the Board.

(d) Treasurer

The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association, keep proper books of account; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget and statement of income and expenditure to be represented to the membership at its regular annual meeting, and deliver a copy of each to the members.

ARTICLE IX.

COMMITTEES

The Association Board of Directors shall appoint an Architectural Control Committee, as provided in the Declaration, and a Nominating Committee, as provided in these By-Laws. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purposes.

ARTICLE X.

BOOKS AND RECORDS

The books, records and papers of the Association shall at all time, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

ARTICLE XI.

ASSESSMENTS

As more fully provided in the Declaration, each member is obligated to pay to the Association annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments, which are not paid when due, shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of nine (9) percent per annum, or at the highest permissible legal rate not to exceed nine (9) percent per annum and the Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

ARTICLE XII.

CORPORATE SEAL

The Association shall have a seal consisting of two concentric circles between which is the name of the Association and in the center of which is inscribed SEAL: and such seal, as impressed on the margin hereof, is hereby adopted as the corporate seal of the corporation.

ARTICLE XIII.

AMENDMENTS

Section 1. These By-Laws may be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person or by proxy, except that the Department of Housing and Urban Development or the Veterans Administration shall have the right to veto amendments while there is Class B membership.

Section 2. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control; and in the case of any conflict between the Declaration and these By-Laws, the Declaration shall control.

ARTICLE XIV.

MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin on the date of incorporation.

TENNIS RULES

The Board of Directors has adopted the following tennis court rules. It has been necessary to put a lock on the tennis court. A \$1 deposit is required to obtain a key. The deposit will be returned when the key is turned in. If you lose your key, you will be charged for the duplicate. If you have any questions or want a key, please see or call a Board member.

1. Tennis court time begins and end on the hour; e.g., if a party arrives at 1:50 PM, the players on the court must relinquish the court at 2:00 PM to the new arrivals.

Anyone coming to play without a reserved time must vacate the court on the hour if other players appear and want to play.

2. Court may be reserved the day of play by using the clipboard at the court. Just clip a sheet of paper in with your name and hour.
3. Time allotted for play is one-hour court time.
4. The only time non-residents can play tennis is if a resident of The Downs Grant is present at the court at the time of play.
5. If non-resident(s) is using the court without a member, the allotted key will be confiscated.
6. Members may not leave the court unlocked for anyone. New arrivals must show that they have a key in hand.
7. **REMEMBER: LOCK THE COURT!**

NEIGHBORHOOD WATCH PROGRAM

Neighborhood Watch is an organization of communities which help the Police protect neighborhoods through a self-watch program in which people are asked to report anything suspicious or out of the ordinary.

In addition, people are encouraged to engrave those valuables which are most often the target of thieves. One engraver is available to our homeowners. Please contact a member of the Board of Directors.

Each community has Neighborhood Watch representatives who attend four (4) meetings a year. They distribute literature regarding Neighborhood Watch on how best to protect your family, home and property. They can arrange speakers for community Neighborhood Watch programs.

If you are interested in serving as a Neighborhood Watch representative, please contact one of the Board members.

Crime prevention is an important job and everyone is asked to be involved in protecting families, homes and properties.

THE DOWNS GRANT WOMEN'S GROUP

The Downs Grant has a social organization open to all women who are residents here. It may be one of the great clubs which you have ever been invited to join! It has no list of active members, no regular meetings, elects no officers, collects no dues and does no "good works".

The sole purpose of The Downs Grant Women's Group is the gathering monthly of busy women for an exchange of opinions, ideas and experiences, and the pleasure of good company. Of course, we eat too!

Our meeting for a specific month is held at the discretion of two volunteer hostesses. Sometimes we meet in private homes and sometimes at a restaurant of the hostesses' choice. (Always with prearrangement for separate checks.) Notification is by bulletin left in your newspaper box. Those ladies who can and wish to attend call the numbers given. At our meetings, willing neighbors volunteer to hostess a future gathering.

We get to know our neighbors, discuss the good and/or bad things happening in our neighborhood and we have a good time together. We cordially invite you to join us!

City Trash Collection

What to Place ... and Not Place ... in Containers

The Rollout container is for disposing of regular household garbage and trash. The following items may be placed in the Rollout container:

- Paper Products
- Old Clothing
- Small Appliances
- Regular Household Garbage
- Other Miscellaneous Items

Household garbage and trash placed outside the Rollout container will not be collected. All food waste should be placed in plastic bags, prior to placing in the Rollout container. Cardboard and cardboard boxes can be recycled.

Do not use your cart for: Dead Animals, Recycling, Hot Ashes, Motor Oil, Solvents, Wet Paint, Pool Chemicals, Flammable Liquids, and Other Hazardous Materials Not Previously Mentioned.

Building Materials

Building materials resulting from homeowner repair which **WILL BE COLLECTED** by City of Charlotte crews include:

- plumbing materials
- space heaters
- hot water heaters
- doors
- rolled and tied carpet and padding (no longer than 8 feet)
- lumber/boards (no longer than 8 feet with nails removed or flattened)
- fencing (rolled into sections less than 6 feet)
- plywood/paneling (no larger than 1 inch x 4 feet x 4 feet)
- landscape timbers (less than 8 feet long and less than 4 inches in thickness)
- windows/mirrors (with glass taped and "X" marked so it does not shatter when collected)

Building materials **will not be collected** from any multi-family residential unit except condominiums.

The City also WILL NOT COLLECT the following:

- Dirt, Rocks
- Nails Or Boards With Protruding Nails
- Propane/Oxygen Tanks
- Glass Blocks
- Marble Or Simulated Marble Countertops
- Railroad Ties
- Duct Or Sheet Metal Materials
- Concrete Blocks, Brick
- Floor Coverings (Except Carpet/Padding Installed By Homeowner)
- Fence Posts With Concrete Attached
- Sand
- Concrete
- Pallets
- Central Air Conditioning Or Heating Units
- Ceramic Tile
- Sheetrock
- Roofing
- Plaster Or Any Materials Resulting From Contractual Work Or Commercially-Related Activities
- Automobile Parts Including Motors, Doors, Fenders, Car Seats, Or Batteries.

The Rollout Container

A 90-gallon Rollout container is furnished to each property receiving collection from City crews. If you need an additional container, call the Solid Waste Customer Service Center at **704-336-2673**.

If you are a customer with a disability or other physical limitation that does not permit you to roll the container to the curb, call the Solid Waste Customer Service Center at **704-336-2673** to discuss special arrangements for collection.

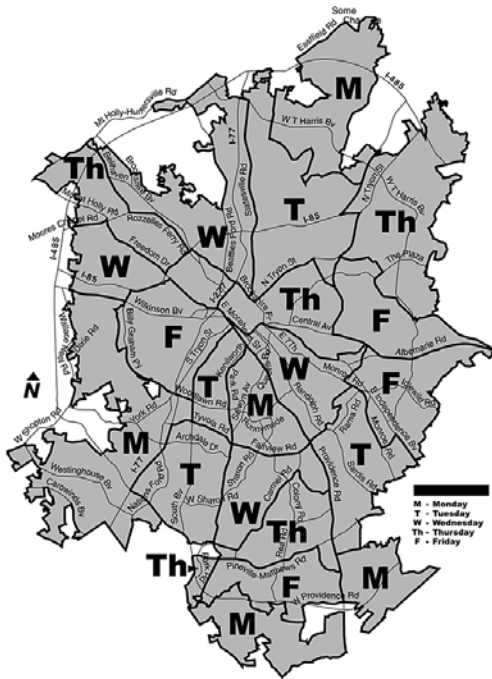
Where, When and How to Place the Container

Rollout container(s), recyclables and yard waste should be placed within 2 feet of the curb and at least 3 feet away from each other and other obstacles such as mailboxes, telephone poles, automobiles, bulky items, etc.

The handle of the Rollout container should face away from the street.

Place your Rollout container, recyclables, yard waste or bulky items at the curb no earlier than the day before your scheduled collection day. All containers must be removed from the curb by midnight on the day of collection. *A citation in the amount of \$25 may be issued if you put the containers or bulky items at the curb too early or if you leave the containers at the curb past midnight on your collection day.*

Recycling in Charlotte-Mecklenburg



Recycling is collected on the same day as your Rollout garbage/trash – **Friday in The Downs Grant neighborhood**. Pick up is once a week except for holidays. Holiday collection schedules are published on the web site and are available through City publications and the news media.

If you are unsure of your collection day, you may call the Solid Waste Services Customer Service Center at 704-336-2673.

Being a good citizen doesn't require recycling weekly. Wait until your recycling bin is full before you place it at the curb for collection.

The 'Curb It' Container

Your recycling container is supplied by the City of Charlotte. To receive an additional container or to replace an old or damaged container, call the Solid Waste Customer Service Center at 704-336-2673. You will be directed to convenient locations where recycling bins may be obtained. There is no charge for additional bins.

Recycling bins should be placed within 2 feet of the curb and at least 3 feet away from other items such as the Rollout garbage container or yard waste. Make sure it is also 3 feet away from other obstacles such as mailboxes, telephone poles, automobiles, bulky items etc.

Place your recycling container at the curb no earlier than the day before your scheduled collection day. The recycling container must be removed from the curb by midnight on the day of collection. *A citation of \$25 may be issued if you put the recycling container at the curb too early or if you leave the container at the curb past midnight on your collection day.*

Remember, your recycling day is the same as your Rollout garbage collection day.

What You Can Recycle?

Aluminum Beverage Cans - Soft drink and beer cans are recyclable. Step on them to save space in your recycling bin and our trucks.

Glass Containers - All glass containers may be recycled. Remember to rinse them out and remove the metal lids before placing the glass in the recycling bin for collection.

Magazines and Shopping Catalogues - Both magazines and home shopping catalogues are recyclable. Place them in your red Curb It recycling bin or with newspapers. A brown paper bag may also be used, NOT a plastic bag.

Milk Jugs - Milk jugs, like plastic beverage containers, should be crushed and placed in the red Curb It bin for collection on your scheduled collection day.



Newspapers - Newspapers and all inserts are recyclable. Place them under the Curb It bin or on top or beside the glass, aluminum, metal and plastic in your bin. To prevent newspapers from being blown by the wind, you may place them in a brown paper bag, NOT a plastic bag.

Cardboard - Cardboard may be collected at curbside and recycled throughout the city. Cardboard boxes should be empty, cut into pieces no larger than 3 feet x 3 feet, flattened and stacked neatly at curbside on your scheduled collection day.

Plastic Soft Drink and Liquor Bottles - Remove the lids and crush the plastic soft drink or liquor bottles. Place them in the red Curb It recycling bin for collection.

Spiral Paper Cans - Spiral paper cans, those used for powdered beverages and snacks, may be recycled. Remove any plastic or metal lids and rinse or wipe out any remaining food stuff. Recyclable paper cans are round and have metal bottoms, and you can see spiral grooves on the inside.

Steel Cans - Steel food containers should be rinsed out to remove any remaining food stuff before placing in the red Curb It recycling bin for collection.

Telephone Books - Each year the City collects out-dated residential telephone books. Place your directory in the red Curb It recycling bin or place underneath with newspapers.

Yard Waste Recycling

Collection Schedule:

City of Charlotte crews collect yard waste from the curb once a week on the regularly scheduled collection day provided the materials meet preparation requirements. Yard waste ... grass clippings, leaves, trimmings from shrubbery and tree limbs ... are made into mulch and compost for reuse.

Yard waste recycling follows the same guidelines as other curbside services. Store materials away from the street and place them at curbside no earlier than the day before collection. To ensure collection, place materials at the curb by 7 a.m. on the scheduled collection day.

Your yard waste is collected the same day your Rollout and recycling are collected. If you are unsure of your collection day call the Solid Waste Customer Service Center at **704-336-2673** for assistance.

Place all of your items at the curb with adequate space between collection items for easy identification by the collector. All items should be placed within 2 feet of the curb and at least 3 feet away from each other or other obstacles such as mailboxes, telephone poles, automobiles, bulky items, etc.

If you have questions about yard waste recycling call the Solid Waste Customer Service Center at **704-336-2673**.

What Will the City Collect?

The following items are collected in both the City of Charlotte and BFI collection zones:

- limbs
- brush
- logs
- leaves
- grass clippings

Limbs placed at curbside for collection resulting from a commercial landscaping service will not be collected.

How To Prepare Materials For Collection

- **Limbs** - Limbs must be no longer than 5 feet in length and no larger than 4 inches in diameter. Limbs should be separated in piles small enough for one individual to handle and weigh no more than 75 pounds. Limbs should not be tied. Limbs may also be placed in containers for collection. **Limbs placed at curbside for collection resulting from a commercial landscaping service will not be collected by the City.**
- **Brush** - Brush should be no longer than 5 feet in length. Separate brush into piles that are small enough for one individual to handle. Brush and limbs may be combined as long as they meet size requirements.
- **Logs** - Logs under 4 inches in diameter will be collected. Logs larger than 4 inches in diameter will be left at the curb. Stumps will not be collected.
- **Leaves** - Leaves must be placed in tied or untied clear plastic bags for collection or placed in uncovered trash cans. Clear plastic bags may be purchased at local retail stores. Cans or plastic bags should not weigh more than 75 pounds each. Excessive amounts of yard waste (requiring more than 20 minutes to collect) will require more than one collection day. Any bags remaining will be collected on your next collection day. If you use cans or containers for your leaves or other yard waste leave them uncovered and **DO NOT PUT ANY OTHER TRASH** in the same container.
- **Grass clippings** - Grass clippings must be placed in tied or untied clear plastic bags for collected or placed in uncovered trash cans. Cans or plastic bags should not weigh more than 75 pounds each. Grass clippings can be mixed with other yard waste such as leaves and trimmings.

Mulching

Leaving grass clipping on the lawn after mowing ensures that nutrients will be returned to the soil. Grass clippings are 20-30% protein and usually contain about 4% nitrogen, 2% potassium and 0.5% phosphorus as well as all the necessary trace elements plants need.

When leaving clippings on the lawn, adjust your lawn mower to remove no more than one third of the grass leaf surface at any one mowing. Any mower can be used, but one that mulches as it cuts is best. Use a slow-release fertilizer, water when necessary, and mow the grass at the proper height.

Bulky Trash

Solid Waste Services Department - Customer Service
600 E. Fourth St., Charlotte, NC 28202
704-336-2673 (voice)
704-336-7808 (fax)
Internet: <http://www.ci.charlotte.nc.us/ciswaste/bulkschedule.htm>

You can call or go online to request bulky trash pick-up. When submitting an online request, you will need to wait for a confirmation phone call before placing item(s) at curbside for collection.

Below is a list of items considered Bulky Trash. If your item is not on the list, please call the Solid Waste Services Department to confirm pick-up.

Appliances: Washers, Dryers, Refrigerators, Microwaves, Stoves, Dishwashers, Water Heaters, Lawnmowers, Kerosene Heaters, Leaf Blowers, and Grills.

Cleaning/Home Repairs: Ironing Boards, Vacuums, Windows (taped with X), Ladders (under 8 feet), Garden Hoses, and Fans.

Household Furnishings: Mattresses, Box Springs, Bed Frames, Televisions, Lamps, Shutters, Curtains, Blinds, Mirrors (taped with X), Sofas, Loveseats, Dressers, and Bicycles.

Building Materials (NO CONTRACTORS' WORK): Plumbing Materials, Doors, Carpet/Padding (4 feet max), Lumber/Boards (nails out, 8 feet max), Fencing (6 foot sections), Plywood/Paneling, and Landscape Timbers.

Please note: *Building materials resulting from contractual work will not be collected by the City.*

Household Hazardous Waste

The City of Charlotte crews will only collect the following household hazardous waste materials:

- Dried paint cans with lids removed.
- Kitty litter that is double bagged in plastic and securely tied.
- Soiled infant diapers, which have been rinsed and placed in double plastic bags and securely tied.

Mecklenburg County Recycling Centers offer Charlotte residents an opportunity to recycle many of these household hazardous items. Many of these items brought in are recycled into new products. Items that will be accepted:

- Paint
- Thinners
- Strippers
- Solvents
- Flammable Oils
- Gas
- Kerosene
- Pesticides
- Cleaning Agents
- Household Batteries (Alkaline and Nickel-Cadmium)
- Lead Acid Batteries
- Photographic Chemicals
- Aerosol Cans
- Fluorescent Light Bulbs
- Pool Chemicals
- Unknown Chemicals

Unacceptable materials include:

- Used Tires
- Pressurized Gas Cylinders (greater than 20 pounds)
- Ammunition, Gun Powder or Explosives
- Smoke Detectors
- Radioactive Materials
- Bio-Infectious Materials
- Regular Household Trash

Take household hazardous materials to:

- **North Mecklenburg Recycling Center**, 12300 North Statesville Road, **704-875-1563**. Tues - Sat from 7 a.m. to 3 p.m. (From I-77 north ... turn right onto Reames Road (exit 18) ... turn left at the stop light (US 21) and travel north approximately 3 miles. The recycling center is on the right.)
- **Hickory Grove Recycling Center**, 8007 Pence Road, **704-535-3781**. Tues - Sat from 7 a.m. to 3 p.m. (From Albemarle Road - going away from Charlotte - make a left at Harrisburg Road. There will be a BP station and a Wal-Mart on the left. ... turn left onto Pence Road, just before the railroad tracks ... the recycling center is about 1/2 mile on the right.)

Dead Animal Collection

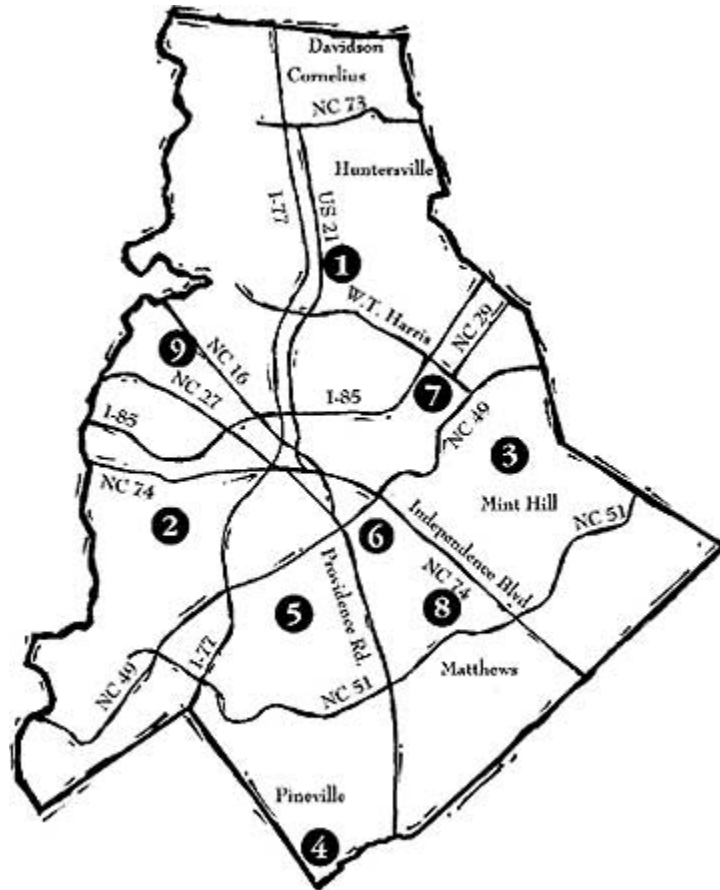
City of Charlotte crews will remove dead animals from public streets or from the curbside. To schedule collection, call **704-336-2673**. The service is provided Monday through Friday from 8 a.m. to 5 p.m. After hours and on weekends, call **704-336-4165**.

Charlotte residents may request collection of dead pets or animals, which have been killed on city streets. To help City crews follow these hints:

- Collection is made by request only; do not place animals in the Rollout container
- Have a specific address for animals that have been killed on the road. An intersection or block number is needed.
- All animals collected from Charlotte homes must not weigh more than 100 pounds, and must be placed at the curb. If at all possible, place the animal in a trash bag.
- City ordinance prohibits crews from entering private property to remove animals.

Recycling Drop-Off Centers & Yard Waste Facilities

Internet: <http://www.co.mecklenburg.nc.us/coeng/recycle/drop.asp>



1. **North Mecklenburg Recycling Center and Yard Waste** - 12300 N. Statesville Road.
2. **West Mecklenburg Recycling Center** - 8440 Byrum Drive.
3. **Hickory Grove Recycling Center and Yard Waste** - 8007 Pence Road
4. **Foxhole Recycling Center and Yard Waste** - 17131 Lancaster Highway.
5. **Park Road Park** - 5300 Closeburn Rd. (off Park Road, just south of Tyvola Road).
6. **Uptown Recycling Center** - 11th St. (between Tryon and College).
7. **University City Resource Recovery Facility** - Ken Hoffman Blvd. (off Hwy 29, Tryon St. at the Highway Patrol and Fire Station 27).
8. **McAlpine Creek Park Recycling Center** - 8711 Monroe Rd.
9. **Rozzelles Ferry Road Recycling Center** - 5800 Rozzelles Ferry Road.
10. **Compost Central** - 5631 West Blvd.

Online Relocation Services

Internet: <http://www.charmeck.nc.us/relocate.htm>

You will find links to the services most commonly needed when moving to town (power, cable, paper, water, etc.). You may find these links useful if you are already a resident as well!

Area Services and Sites of Interest: Bell South, Chamber of Commerce, Charlotte Observer, Charlotte Community, Division of Motor Vehicles, Duke Power, Piedmont Natural Gas and Time-Warner Cable.

Local Government Services: Animal Licenses, Charlotte-Mecklenburg School System, Garbage Collection/Solid Waste Services, Parks and Recreation, Police, Fire and Medic, Public Library, Public Transportation, Recycling, Taxes, Voter Registration and Water/Sewer Services and Problems.

Animal Licenses

Internet: <http://www.ci.charlotte.nc.us/cipolice/animal/licenses.htm>

All dogs and cats four months and older residing in Charlotte, Mint Hill, Pineville and the unincorporated areas of Mecklenburg County must be licensed annually. This same law applies to ferrets living in Charlotte, Mint Hill, and Pineville. Proof of a current rabies vaccination from your veterinarian is required to purchase a license.



Licenses are valid for one year from the date of purchase. For example, if you bought a license on March 15, 2000, you will not be required to buy another one until March 2001.

License fees will vary depending on whether your pet is spayed or neutered. Fees for fertile animals are \$25.00 and those for sterile animals are \$7.50. License fee exemptions may apply in certain situations:



- Senior citizens 62 years of age and older may receive a free license for their pets, provided the animals have been sterilized.
- If your animal has medical problems that make it unable to withstand the sterilization procedure, you may purchase a license for \$7.50 if you provide a statement from your veterinarian.
- Any disabled owner of a dog, which is used for seeing, hearing or assistance purposes may receive a free license if the animal has been spayed or neutered.
- Owners of show animals may receive licenses for \$7.50 provided they show proof of participation in at least three nationally recognized shows within the past twelve months.

All licenses may be purchased by mail or at the Animal Shelter located at 8315 Byrum Drive. Dog and cat licenses may also be purchased at the Adam Service Center at 4150 Wilkinson Blvd. or in the lobby of the Charlotte-Mecklenburg Government Center located at 600 E. 4th St. Once you have purchased a license, a renewal letter will be mailed to you approximately one month before the due date.

If you have any questions about the licensing of your pets, please call: 704-336-3166.