

GARMISCH USA PROPERTY OWNERS ASSOCIATION

ARCHITECTURAL CONTROL COMMITTEE

Rules and Regulations

1. Architectural Control Committee

A. The Architectural Control Committee is established pursuant to Article XVI, 1, of the Declaration. The Declarants having voluntarily relinquished their authority solely to constitute the Architectural Committee before all units have been sold, at its initial meeting on June 5, 2004, the Board of Directors appointed three unit owners to serve as the initial Architectural Control Committee: Bill Aaker (Geneva); Julie Rottier (Swiss Ritz); Jim Torke (Chateau).

B. Members of the Committee shall be appointed from time to time by the Board of Directors and shall serve for a term of three years, although the initial appointees may be appointed for either one, two, or three years in order to provide continuity of Committee experience. Members of the Committee shall serve their full term unless they resign, are unable to serve, or are removed by a vote of the Board of Directors for neglect or malfeasance.

C. Vacancies on the Committee shall be filled by the Board of Directors as needed.

D. Annually at its first meeting following the annual appointment by the Board of Directors of members of the Committee, the Committee shall elect a Chair and such other officers as it deems necessary.

E. Thereafter, the Committee shall meet as needed to deal with matters properly brought before it. Ordinarily, in order to reach a binding decision at least three members of the Committee must be available to cast a vote in person, by proxy, or by other ordinary means of mail or electronic communication. However, in appropriate situations, the Committee may appoint in writing one or two of its members to approve proposals brought to the Committee. (See Art. XVI,

7.)

2. Authority

A. The authority of the Architectural Control Committee shall extend to and be limited by those provisions set forth in the Declaration and By-Laws. (See especially those provisions set forth in Articles XII, XIII, XV, and XVI of the Declaration and Article VIII of the By-Laws. More specific references are indicated in appropriate places.) In general, and in keeping with the purpose of the Committee to maintain the visual appeal, integrity, harmony, functions, and traditions of Garmisch and its surroundings, the Committee shall have authority to approve or disapprove all matters likely to have a significant effect on the physical appearance of the land, buildings, structures, vegetation, and landscape of any unit and appurtenant limited common area as defined in Article VII of the Declaration. Its authority extends to, but is not necessarily limited to, the following:

1.) All new buildings, fences, walls, patios, driveways, walkways, animal kennels or runs, mail boxes, signs, aerials, antennas, satellite dishes, storage facilities, trash facilities, or other structures commenced, erected, or maintained on any lot, as well as any substantial improvement, addition, change, or alteration thereof; (See Art. XII, Art. XIII, c)-g), Art. XV, 3, a), 4, a), b), c), g), Art. XVI, 2-4, Art. XVIII; By-Laws VIII E) and F).) and,

2.) All significant landscaping, vegetation clearance, change of surface drainage, exterior building materials, finishes, and colors. (See Art. XV, 3, b), c), 4 e), f), h), Art. XIX; By-Laws VIII, I)

B. The Committee shall have authority to require prior notice of the construction or undertaking of any of the matters described in 2.A., above, and to approve or disapprove the proposed project or undertaking. The Committee's approval extends only to the aesthetic aspects

of the proposed project and does not constitute an endorsement or approval of the safety, structural integrity, or construction methods of the project or to its compliance with any applicable local, state, or federal laws, rules, or regulations. The Committee shall also have authority to take such steps as may be necessary to assure compliance with its decisions. (See Art. XVI, 1-7.)

C. The Committee may from time to time issue general permissions, rules, standards, and guidelines relating to matters within its authority. In the case of a conflict between these Rules or any other permissions, rules, or guidelines issued by the Committee and the Declarations, Association By-Laws, or Articles of Incorporation, the latter three documents shall govern.

3. Standards

A. The Committee shall, keeping in mind the reasonable expectations, rights, and interests of the individual unit owners and of the community of owners, discharge its authority in order to promote the continued visual appeal, integrity, harmony, functions, and traditions of Garmisch. In no case shall approval of a proposal be withheld for arbitrary, capricious, or frivolous reasons.

B. In dealing with proposals, the Committee shall strive to maintain an appropriate informality and spirit of neighborly understanding and goodwill. To the extent practicable, a spirit of mediation and reasonable compromise should be maintained in order to promote fair, speedy, and efficient decision and resolution of disputes.

4. Procedures

A. Procedural rules:

1.) Unit owners intending to undertake any project within the authority of the Committee shall no later than forty-five days before the project is to commence seek prior permission to proceed with the project from the Committee by submitting to the Committee Chair

a proposal describing the proposed project together with drawings, plans, specifications, or other materials necessary for the Committee to gain a full understanding of the project and its effect on the surrounding environment. To the extent it is not unduly costly or inconvenient, the proposal and related materials should be submitted in triplicate. Where necessary, the Chair of the Committee shall provide copies of the submissions for all Committee members. (See Art. XVI, 2-4.) (See suggested Project Proposal form attached.)

2.) In considering the proposal, the Committee may require the submission of further materials and make further inquiries regarding the proposal. It may also consult experts who might have relevant information regarding the proposal and its impact. The unit owner may request to appear before the Committee or such Committee members as are available, and to the extent feasible, such requests shall be honored.

3.) The Committee shall make and communicate and explain its decision promptly and in no case later than forty-five days after all pertinent materials, including those requested by the Committee, shall have been submitted. (See Art. XVI, 6.)

4.) The Committee may:

a. approve the proposal in which case the unit owner may proceed in accordance with the submission made to the Committee;

b. approve the proposal contingent upon the unit owner agreeing to suggested modifications in which case the owner:

(1) may proceed in accordance with the proposal as modified by the committee; or

(2) may request the Committee to reconsider its specified modifications, or;

(3) within sixty days of receiving the Committee=s decision to require modifications or to refuse to reconsider its decision, appeal the decision to the Board of Directors of the Association;

c. disapprove the proposal in which case the unit owner:

(1) may accept the Committee=s decision as final and abandon the project;

(2) may within sixty days of receiving the Committee=s decision appeal the Committee=s decision to the Board of Directors of the Association.

B. Unit owners shall make reasonable efforts to complete construction of all projects for which approval has been obtained within twelve months of receipt of all necessary Committee and public approvals. (See Art. XVI, 5.) It shall be the sole responsibility of the owner to assure compliance with all applicable local, state, and federal laws, rules, and regulations.

C. The Committee shall maintain records of all petitions submitted to it and of its disposition of those petitions, as well as of all expenditures made in the course of its duties. The records shall be kept with other association records or in another place readily accessible to owners.

GARMISCH USA HOMEOWNERS ASSOCIATION

Architectural Control Committee

PROJECT PROPOSAL
(PLEASE SUBMIT THREE COPIES)

1. NAME OF UNIT _____

2. OWNER(S) OF UNIT _____

3. HOME ADDRESS _____

4. A. HOME TELEPHONE NUMBER _____

B. OFFICE TELEPHONE NUMBER _____

C. UNIT TELEPHONE NUMBER _____

5. EMAIL ADDRESS _____

6. DATE OF APPLICATION _____

7. BRIEF DESCRIPTION OF PROPOSED PROJECT _____

*(PLEASE ATTACH ANY DRAWINGS, ELEVATIONS, SKETCHES, SITE PLANS , SPECIFICATIONS,
OR OTHER DOCUMENTS THAT WILL AID THE COMMITTEE=S UNDERSTANDING OF THE
PROJECT.)*

8. DATES OF PROJECT

A. PREFERRED BEGINNING DATE _____

B. ESTIMATED TIME FOR COMPLETION _____

9. DESCRIBE THE IMPACT THE PROPOSAL WILL HAVE UPON THE UNIT INVOLVED,

NEARBY UNITS, AND GARMISCH, USA _____

UNIT OWNER

DATE

UNIT OWNER

DATE

COMMITTEE ACTION

Proposal Approved _____

Proposal Approved subject to the following conditions: _____

Proposal Disapproved _____

Reasons for disapproval _____

FOR THE COMMITTEE

DATE