

Sanderling Property Owners Association, Inc. (SPOA)

November 6, 2012, Addendum to the Policies and Procedures of the Architectural Control Committee

Whereas Section VI.B.10 of the Policies and Procedures of the Architectural Control Committee, revised and effective March 26, 2012, refers to "Freestanding Structures" that are "not permitted" in SPOA;

Whereas Section VI.B.10 expressly states "Free-standing spa/hot tubs" are not permitted;

Whereas section VI.B.10 also expressly states "Swimming pools/lap pools" are "not permitted";

Whereas the Board wishes to avoid any confusion in the interpretation of Section VI.B.10 and clarify the structures that are not permitted in SPOA;

Whereas Article Four of the Declarations provides exclusive authority to the ACC to establish, interpret and apply restrictions and architectural controls and to approve and disapprove plans submitted for construction;

Whereas Article IX, Section 4 of the Bylaws provides that the ACC shall advise the Board on the application and interpretation of architectural controls;

Whereas the ACC has advised the Board that it interprets Section VI.B.10 of the Policies and Procedures of the Architectural Control Committee, revised and effective March 26, 2012, to prohibit the construction or placement of any pool/lap pool or free standing spa/hot tub of any type on SPOA property with the exception of the community facilities of the Sanderling Racquet & Swim Club;

Whereas the Board and the ACC intend to apply and implement Section VI.B.10 of the Policies and Procedures of the Architectural Control Committee as interpreted by the ACC and as intended by the original drafters of the Declarations;

Whereas the Board and the ACC interpret VI.B.10 as prohibiting any "pools/lap pools" of any nature whatsoever, whether free-standing or attached to the main house structure, and believe that this interpretation of Section VI.B.10 expresses the original intent of the restrictions set forth in Section VI.B.10 as originally adopted and approved.

In accordance with the Declarations and Section VI.B.10 of the Policies and Procedures of the Architectural Control Committee, revised and effective March 26, 2012, the construction or placement of any pool/lap pool of any nature or free-standing spa/hot tub of any nature is strictly prohibited.