

CLOSING ADDENDUM AND ACKNOWLEDGMENT

DISCLOSURE OF HILLSIDE, LEGAL AND UTILITY REQUIREMENTS FOR BERRYVILLE HILLS BUYERS

Berryville Hills [BVH] is developed as a complement to its natural surroundings. The highest priority in the development of these homesites is the lack of disturbance of the natural habitat. In order to accomplish this objective, the following practices (and others in the CC&Rs) are required in the design, grading, landscaping and construction of the homes and structures:

A. Land Use and Building Type: No property shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any property other than one detached single-family dwelling not to exceed 35' in height, and one additional building (studio) which may be used as a studio, garage, guest house or additional storage area. Every dwelling shall have as a minimum a fully enclosed two-car garage. On Hillside designated lots the residence must be located within the "buildable area" and all efforts to minimize the removal of boulders, trees and other vegetation must be utilized. The construction of any residence, shop, additional buildings and any walls and fences shall be of "Southwest" design, approved by the Architectural Control Committee (ACC) and of new material. No mobile homes or modular homes are allowed.

All residences shall have a hard surfaced driveway not exceeding sixteen (16) feet nor less than twelve (12) feet in width connecting parking to the street and allowing safe ingress and egress. Buyer shall install driveway so as to minimize the scaring of the terrain and removal of trees, boulders and other natural beauty. Addressing signs must be approved by the AAC. All utility lines from the street to the home shall be underground and located within the driveway right-of-way.

B. Landscaping in Hillside areas:

- Berryville Hills lots 7-32 and 35-36 require xeriscape landscaping :**
1. Sprinkler systems are discouraged as is the planting of lawn/grass.
 2. Shrubs and trees may be planted and watered with a drip or bubbler system.
 3. Prior to issuance of any building permit; the house, outbuildings, driveway and landscape/wall plans must be provided to the ACC for review and approval.
 4. Landscaping shall be maintained at a reasonable standard compatible with other homes in the subdivision.
 5. Walls to contain the landscape must be built of compatible material to the home and be no higher than five (5) feet in height. Swimming pools will follow the state code for construction including height of fencing. All walls shall be of stucco, stone or other masonry materials approved by the ACC. Rustic post and pole fencing and iron railings may also be permitted after plan approval by the ACC.

C. Sewer system: Buyer understands that the home will be connected to public sewer. Cost of sewer service, including hookup, is the buyer's responsibility and not the developer's nor the Town of Glendale's.

D. Geotechnical and Drainage Studies: Seller has completed select geotechnical and drainage surveys on roadways and other various locations. The buyer is encouraged to

have geotechnical tests and a drainage study conducted on their individual lot [required on hillside lots] and to follow the recommendations of the certified testing firm or engineer in the grading of their lot and construction of their home and any other structure.

E. Utilities: Buyer understands that power, water, sewer and other utilities shall be stubbed into the lot near the suggested driveway area from the main roadway. Expenses of all utility lines, including water meter and installation, from the stubbed location to the home shall be the responsibility of the buyer. In the event power needs of the home exceed that which is supplied by a standard roadside transformer, the buyer must pay for all costs associated with the upgrade. A public utility easement shall be granted and contained within the boundaries of the roadways.

F. Roadways: Civil engineered hard surfaced non-paved roads shall be installed by the developer on all streets except Center Street. The buyer understands that it is not the responsibility of the developer nor the Town of Glendale to pave these roads in the future

G. Glendale Town Review: After meeting with the ACC and receiving approval, all construction plans for homes must be submitted to Glendale Town for their review in order to obtain a building permit prior to grading of the site.

H. CC&R's: All buyers are subject to the restrictions and requirements contained in the CC&R's, a recorded document. Review the CC&R's prior to applying for a building permit and grading your lot.

I. Hillside: Berryville Hills lots 7-32 and 35-36 are within an area designated as Hillside. Certain building restrictions exist including a maximum disturbance on all lots up to one acre of 6,000 sq ft and on lots over one acre of 10,000 sq ft. No construction or disturbance shall be allowed on portions of lots where the grade exceeds 39%. Other conditions apply. Review the Glendale Town Hillside Ordinance prior to applying for a building permit and grading your lot.

J. Exterior Lighting: All buyers are required to install photo-electric cells to control exterior lighting on each side of their garage door [s] and near their front door. A minimum of two lights per home is required. This allows the development to eliminate standard street lighting and preserve the night sky.

Lot/Homeowners Responsibility: It is the responsibility of the lot or homeowner to provide a copy of this disclosure and all other binding documents to future buyers of lots or homes upon resale, in order to maintain the integrity of Berryville Hills .

BUYER _____ LOT ___ PHASE ___

Buyer Signature

Date