

**RESOLUTION
OF THE BOARD OF DIRECTORS
OF
THE TERN COMMUNITY ASSOCIATION
(Association Complaint Procedures)**

WHEREAS, the Code of Virginia, 1950, as amended (the “Virginia Code”), was amended by statute effective July 1, 2008, to create a Common Interest Community Board (“CIC Board”) and the Office of the Common Interest Ombudsman (“CICO”); and

WHEREAS, Section 54.1-2354.4 states the CIC Board “shall establish by regulation a requirement that each association shall establish reasonable procedures for the resolution of written complaints from the members of the association and other citizens”; and

WHEREAS, for the benefit and protection of the Association and of its individual Members, and with a goal of reducing and resolving conflicts among and/or between the Association and its Members, the Board of Directors hereby establishes these Association Complaint Procedures to meet the requirements of Section 54.1-2354.4 of the Virginia Code and regulations of the Common Interest Community Ombudsman regarding Association Complaint Procedures effective July 1, 2012; and

WHEREAS, the Board of Directors will provide notice of this policy to all current Owners by mailing a copy of this Resolution to current Owners and to all future Owners by including the Resolution in resale packages prepared pursuant to Virginia’s Property Owners’ Association Act, as applicable; and

WHEREAS, this Resolution shall remain in full force and effect until amended by further resolution of the Board.

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NOW THEREFORE, the Board of Directors of The Tern Community Association does hereby adopt this Resolution in order to adopt the following Association Complaint Procedures:

1. Right to Submit Association Complaint. When any Association Member ("Member" or "Complainant") observes or reasonably believes the Board of Directors ("Board"), the Association's Common Interest Community Manager ("Association Manager") or any individual Board Member has or is continuing to violate any provision of the Association's Declaration, Architectural Guidelines, Articles of Incorporation, Bylaws, and/or Rules and Regulations ("Governing Documents"), the Member shall have the right to acquire, complete and submit an Association Complaint Form.

2. Association Complaint Form.
 - a. The Association Complaint Form shall comport substantially with the Association Complaint Form attached to this Resolution as Exhibit A, or with any form required by regulation duly promulgated by Virginia's Common Interest Community Board ("CIC Board").

 - b. The Association Complaint Form shall be submitted to:
The Tern Community Association,
c/o The Select Group, Inc.
2224 Virginia Beach Blvd., Suite 201
Virginia Beach, VA 23454
(757) 486-6000 (Phone); (757) 486-6988 (Fax)
jill.c.albright@theselectgroup.us

The Association Complaint may be submitted to the Association:
 - (i) By U.S. Mail, registered or certified, return receipt requested;

 - (ii) By hand delivery, *provided, however*, the method of hand delivery must provide a means to prove delivery;

 - (iii) By facsimile to the Association's Managing Agent; and/or

 - (iv) By email to the Association's Manager.

 - c. The Association Complaint Form must be submitted at least fourteen (14) days prior to the next scheduled regular Board Meeting to insure review at that meeting. If the Association Complaint Form is received less than fourteen (14) business days prior to the next scheduled regular Board Meeting, the Association Complaint Form shall be reviewed at the next subsequent regular Board Meeting.

3. Association Complaint Receipt.

- a. The Association shall provide written acknowledgment of receipt of the Association Complaint (“Association Complaint Receipt”) to the Complainant within seven (7) days of receipt of the Association Complaint. Such acknowledgment shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.
- b. Notice of the date, time and location that the Association Complaint will be considered shall be included in the Association Complaint Receipt required by Association Complaint Provision 6 above. If such Notice is not included in the Association Complaint Receipt, such Notice shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery. Such Notice shall be mailed within a reasonable time prior to review of the Association Complaint but shall be mailed not less than three (3) days prior to the date set for review of the Complaint.

4. Review of the Association Complaint.

- a. The Board shall review any Association Complaint Form received and shall, if necessary, consult with the Association’s attorney and/or any other vendor or professional providing services to the Association to provide as complete a review as possible to arrive at its decision.
- b. The Board may, but shall not be required to, consult with the Member who submitted the Association Complaint Form to understand more fully the substance and/or basis of the Member’s Complaint.
- c. In the event the Board determines the Association Complaint is incomplete or contains insufficient information to render a decision, the Board shall cause a written request for additional information that identifies with specificity the information needed to complete the Association Complaint to be sent to the Complainant at the address provided in the Association Complaint. Such written request shall be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.

5. Final Determination Letter. The Board shall render a written decision and/or review of the Complaint (“Association Complaint Final Determination Letter” or “Final

Determination Letter”) to the Member within seven (7) days of the regular Board Meeting during which the Association Complaint was reviewed.

The Final Determination Letter shall:

- a. Be hand delivered or mailed by registered or certified mail, return receipt requested, to the Complainant at the address provided in the Association Complaint, or if consistent with established Association procedure, by electronic means provided the sender retains sufficient proof of the electronic delivery.
 - b. Be dated as of the date of issuance and include specific citations to applicable Association Governing Documents, laws or regulations that led to the Final Determination.
 - c. Include the Registration Number of the Association and the name and License Number of the Common Interest Community Association Manager.
 - d. Include the Complainant’s right to file a Notice of Final Adverse Decision with the Common Interest Community Board via the Common Interest Community Ombudsman, along with the applicable contact information.
6. Appeal. The determination of the Board as reflected in the Final Determination Letter shall be the final decision of the Board. The Board has not adopted an appeal process and shall not hear an appeal of the Final Determination Letter.
7. Should any Member need assistance in understanding the Member’s rights and the processes available to common interest community Members, the Member may contact Virginia’s Office of the Common Interest Community Ombudsman (“CICO”) for assistance. The CICO may be reached at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233. The CICO’s current telephone number is (804) 367-8510. The CICO’s current email address is cic@dpor.virginia.gov.
8. **Complainant’s Rights Description required by Section 54.1-2354.4 of the Code of Virginia, 1950, as amended**. In accordance with Section 54.1-2354.4 of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia’s Common Interest Community Board (the “Board”) of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, §54.1-2354.4. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member.

The Director shall provide a copy of the written notice to the Association that made the final adverse decision.

9. The Association Complaint Form, all attachments thereto and a copy of the Final Determination Letter ("Complaint File") shall be retained by the Association for not less than one (1) year after the Board renders a decision on the Complaint. The Complaint File shall be eligible for review and duplication solely by the Association's Board of Directors, the Association Manager and the Lot Owner(s) who submitted the original Complaint Form, *provided, however*, the Complaint File shall be produced upon order of an appropriate judicial or administrative body having jurisdiction over the Association.
10. The Board shall amend and restate this Association Complaint Procedures Resolution each time the name, address, telephone number and email address of the Association's Manager changes to remain compliant with Section 54.1-2354.4 of the Virginia Code.

IN WITNESS WHEREOF the undersigned has caused this instrument to be executed pursuant to due authority this 15th day of December, 2019.

EDC Homes – The Tern, LLC,
a Virginia limited liability company,
acting on behalf of the Board of Directors
of The Tern Community Association

By:  (SEAL)
Nicholas S. Jacovides, Manager

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**THE TERN COMMUNITY ASSOCIATION
ASSOCIATION COMPLAINT FORM**

This Form is available to all Association Owners as required by Section 54.1-2354.4 of the Code of Virginia, 1950, as amended ("Virginia Code"). Please complete and return this Form to the Association's Manager at least fourteen (14) days prior to the next scheduled regular Board of Directors Meeting to insure review at that Meeting. The Board will provide a written response to any submitted Association Complaint Form within seven (7) days of the Board Meeting during which the Complaint is reviewed.

Member Name (Printed): _____

Member Name (Signature): _____

Address: _____

Date: _____

Please outline and/or address your specific complaint and attach to this Form. Please include copies of all applicable provisions of the Association's Declaration, Architectural Guidelines, Articles of Incorporation, Bylaws and/or Rules and Regulations to assist the Board in understanding your complaint. Please be sure to identify and/or attach the provisions of all specific provisions of the Virginia Code you believe may apply.

Forward the completed Association Complaint Form and all attachments to:

The Tern Community Association
c/o The Select Group, Inc.
2224 Virginia Beach Blvd., Suite 201
Virginia Beach, VA 23454
(757) 486-6000 (Phone); (757) 486-6988 (Fax)
jill.c.albright@theselectgroup.us

Your signature on this form acknowledges you have received and reviewed the Association's Complaint Procedures Resolution.

Should you need assistance in understanding your rights and the processes available to common interest community Members, you may contact Virginia's Office of the Common Interest Community Ombudsman ("CICO") for assistance. The CICO may be reached:

Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233
Telephone: (804) 367-8510
Email: cic@dpor.virginia.gov

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This Block for Association Use Only:

Date Complaint Received by the Association’s Manager: _____

Printed Name of Association Manager who received Complaint:

Signature of Association Manager to certify Date Complaint Received:

Date Complaint Reviewed by the Board of Directors: _____

Date Final Determination Letter forwarded to Complainant: _____

Printed Name of Person who prepared Response:

Signature of Person who prepared Response:

Please attach a copy of the Response to this Association Complaint Form.

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Complainant’s Rights Description required by Section 54.1-2354.4 of the Virginia Code

In accordance with Section 54.1-2354.4 of the Code of Virginia, as amended, an Association Complainant may give notice to Virginia’s Common Interest Community Board (the “Board”) of any final adverse decision in accordance with regulations promulgated by the Board. The notice shall be filed within 30 days of the final adverse decision, shall be in writing on forms prescribed by the Board, shall include copies of all records pertinent to the decision, and shall be accompanied by a \$25 filing fee. The fee shall be collected by the Director of Professional and Occupational Regulation and paid directly into the state treasury and credited to the Common Interest Community Management Information Fund, § 54.1-2354.4. The Board may, for good cause shown, waive or refund the filing fee upon a finding that payment of the filing fee will cause undue financial hardship for the member. The Director shall provide a copy of the written notice to the Association that made the final adverse decision.

**RESOLUTION
of the Board of Directors of
THE TERN COMMUNITY ASSOCIATION**

(Due Process Procedures for Enforcement of Covenants and Rules)

WHEREAS, the Board of Directors is empowered by the Declaration and Bylaws of The Tern, all of the same may have been amended or supplemented from time to time, to enforce the covenants contained in the Declaration and to enforce any Board Resolutions, and Rules and Regulations adopted pursuant to the Declaration and Bylaws in accordance with Section 55.1-1801. et seq., of the Code of Virginia, 1950, as amended (the "POA Act"); and

WHEREAS, for the benefit and protection of the Association and of the individual members, the Board of Directors deems it desirable to establish a procedure to assure due process in cases where there is a question of compliance by a member, his family, his guests or tenants and the tenant's family and guests, with the provisions of the Declaration, the Articles of Incorporation, Bylaws, adopted Board Resolutions, and Rules and Regulations (the "Governing Documents"), thereby attempting to minimize the necessity of seeking action in or through a court of law; and

WHEREAS, it is the intent of the Board to adopt the provisions of Section 55.1-1819 of the Condominium Act and to establish procedures for the Board and such Committees as may be designated by the Board in the future where they must take action relative to questions of compliance by an Owner with the provisions of the Governing Documents instruments; and

WHEREAS, the Board of Directors will provide notice of this policy to all current owners by mailing a copy of this Resolution to current owners and to all future owners by including the Resolution in disclosure packages prepared pursuant to Sections 55.1-1808 and 55.1-1809 of the POA Act.

NOW THEREFORE, the Board of Directors of The Tern Community Association does hereby adopt this Resolution in order to adopt the following due process procedures:

1. When a violation of the Declaration, Articles of Incorporation, Bylaws, Board Resolutions, Rules and Regulations and/or any amendments and supplements thereto ("Governing Documents") is either observed by or reported to the Board of Directors or the Association's Manager, the Owner will be issued a written warning or "cease and desist" letter to notice the Owner of the violation. This notice will state the nature of the violation, the action required to abate or cure the violation, a reasonable time to cure the violation and the Board's authority to impose sanctions for failure to abate or correct the violation, after an opportunity to be heard.
2. In the event the Owner cures or abates the violation within the time frame stated in the written warning, the Board of Directors may, in its sole discretion, consider any repeat of

the same violation within the next twelve (12) months a continuing violation of the noticed violation and may schedule a due process hearing without further written warnings as provided in Rules 4 and 5 below.

3. If the violation is of a non-continuing, single occurrence, nature, the Board may, in its sole discretion, schedule a due process hearing without any or further written warnings other than the due process hearing notice provided for in Rules 4 and 5 below.
4. If the violation is not cured within the time frame set forth in the written warning, or if the violation is of a non-continuing, single occurrence, nature, notice that a due process hearing has been scheduled will be issued. The hearing notice will contain the time, date and location of the due process hearing and identify the official body to preside over the hearing.
5. Notice of the due process hearing shall, at least fourteen (14) days in advance thereof, be hand delivered or mailed by registered or certified United States mail, return receipt requested, to such Owner at the property address as well as any alternate address upon the books and records of the Association and shall be delivered as may otherwise be required for notices of meetings of the Association. The Owner shall be advised that an attorney may be present to represent the Owner at the due process hearing.
6. The due process hearing shall be conducted by at least three (3) Members of the Board of Directors.
7. Failure of an Owner to attend the scheduled due process hearing shall not waive the Board's right to continue to hold the due process hearing and the Board shall have the authority to charge the Owner for an occurrence or continuing occurrence of the noticed violation.
8. If the Board finds the Owner to be in violation, charges may be assessed in an amount not to exceed fifty (\$50.00) dollars for a single offense or ten (\$10.00) dollars per day for a violation of a continuing nature until the violation is cured or, if the violation is not cured, for a period not to exceed ninety (90) days. Such charge(s) shall be treated as a lien against said Owner's Unit and shall have the same force and effect as if the charge was a part of the Common Expense attributable to such Owner.
9. The Board of Directors may, in its sole discretion, consider any repeat of the same violation within the next twelve (12) months a continuing violation of the violation for which the due process hearing was held and may schedule a due process hearing without further written warnings as provided in Rules 4 and 5 above.
10. The due process hearing result shall be mailed by registered or certified mail, return receipt requested, to the Owner at the address of record with the Association within seven (7) days of the due process hearing.

11. Any Owner found to be in violation shall be responsible for all attorney's fees, administrative costs, and court costs that may result in the enforcement of the Association's Governing Documents. Such fees and costs may be adopted, imposed and enforced by Rule and Regulation of the Association.

13th The undersigned has caused this instrument to be executed pursuant to due authority this day of December, 2019.

EDC Homes – The Tern, LLC,
a Virginia limited liability company,
acting on behalf of the Board of Directors
of The Tern Community Association

By:  _____ (SEAL)
Nicholas S. Jacovides, Manager

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THE TERN COMMUNITY ASSOCIATION

Policy for Records Inspections and Cost Schedule

Adopted by the Developer acting on behalf of the Board of Directors of the Association on 12/13/19.

1. In accordance with §55.1-1815 of the Virginia Property Owners Association Act, prior to allowing inspection and/or providing copies of any books and records to a member of the Association who requested the same in accordance with the provisions of §55.1-1815 and §13.1-933 of the Code of Virginia, as amended, the Association shall impose and collect a charge for both of the following:

a. for the labor costs associated with the Association's employees and/or agents complying with such copying and production including any review of the requested documents with the requesting owner:

- i. Administrative staff at the fees charged by the Association Manager
- ii. Bookkeeper at the fees charged by the Association Manager
- iii. Manager at the fees charged by the Association Manager

Management shall be the party responsible to determine the appropriate personnel qualified to properly address the specific request (or portions of the request) and shall bill according to the labor rates listed above.

b. for the costs of materials, as charged by the Association Manager. Copies of documents larger in width and/or length than standard (8 ½ x 11) copy paper and/or legal-sized paper shall be charged at a rate that shall be determined by the Association in its discretion, but in no case shall the rate be greater than the actual copying cost thereof. Payment for the requested documents shall be due and payable to management in full upon delivery.

2. This cost schedule shall apply equally to all members of the Association in good standing and this schedule shall be provided to a requesting member at the time a request is made.

3. Inspection and/or copy services shall be commenced only after an owner has complied with the requirements of Section 55.1-1815, which requires that the request is for a proper purpose related to membership in the Association

4. The right of examination may be exercised only during business hours at the office of the association and upon at least five (5) days written notice reasonably identifying the purpose for the request and the specific books and records requested.

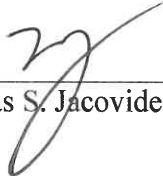
5. The furnishing of records is subject to the right of the Association to withhold certain records pursuant to Section 55.1-1815 of the Act. The following records may be withheld from examination or copying by owners and contract purchasers:

- a. drafts not yet incorporated into the owners' association's books and records or if such books and records concern;
- b. personnel matters relating to specific, identified persons or a person's medical records;
- c. contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;
- d. Pending or probable litigation where there has been a specific threat of litigation from a party or the legal counsel of a party;
- e. matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the Declaration, Bylaws, Articles of Incorporation or rules and regulations;
- f. communications with legal counsel which relates to subdivisions through or which is protected by the attorney-client privilege or the attorney work product doctrine;
- g. disclosure of information in violation of law;
- h. meeting minutes or other confidential records of an executive session of the executive organ;
- i. documentation, correspondence or management or executive organ reports compiled for or on behalf of the owners' association or the executive organ by its agents or committees for consideration by the executive organ in executive session; and
- j. individual owner or member files, other than those of the requesting owner, including any individual owner's files kept by or on behalf of the owners' association.

SIGNATURES ON THE FOLLOWING PAGE

IN WITNESS WHEREOF the undersigned has caused this instrument to be executed pursuant to due authority this 13th day of December, 2019.

EDC Homes – The Tern, LLC,
a Virginia limited liability company,
acting on behalf of the Board of Directors
of The Tern Community Association

By:  (SEAL)
Nicholas S. Jacovides, Manager

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RESOLUTION OF BOARD OF DIRECTORS OF
THE TERN COMMUNITY ASSOCIATION

DISPLAY OF FLAGS

WHEREAS, the Board of Directors encourages displays of patriotism by residents and affinity towards states, colleges and athletic teams through flag display. At the same time, the Board must establish rules and regulations identifying the flags that may be flown, the manner in which they may be flown, and the number that may be flown at any one Unit in order to maintain the standards that characterize The Tern.

NOW THEREFORE, In light of the above, the Board adopted the following rules and regulations concerning the display of flags:

1. Without the consent of the Board, but subject to the rules and regulations governing display of flags set forth below, residents may fly the flags of:
 - A. The United States of America,
 - B. The Commonwealth of Virginia, or any other state,
 - C. Any active branch of the armed forces of the United States (e.g., army, navy, air force or marines), and/or
 - D. A military valor or service award of the United States.
 - E. Colleges and universities
 - F. Professional and college sports teams on the day such team is competing (i.e., "game days")
2. No other flag may be flown without the prior consent of the Board acting in its sole and absolute discretion. The term "flag" shall include banners.
3. No flag may be placed within any dwelling in The Tern, or the improvements located thereon, so as to cover a door or window in whole or in part with the objective of making the flag visible from the exterior of the residence. In the event of any dispute about the application of this rule, the Board's decision is final.
4. Flags may only be flown on a house mounted pole not more than six (6) feet in length. Flags shall not exceed fifteen (15) square feet in size.
5. Free standing flag poles are not permitted. Illumination of flags is prohibited. Accordingly, the United States flag shall not be flown between dusk and dawn.
6. No more than one (1) house mounted pole a may be installed on any residence. The Board shall have the right, but is not obligated to determine the appropriate location on the exterior of a residence in a Unit at which to affix flag mounting hardware and the Board shall also have the right to regulate the type of flag mounting hardware used.
7. Residents must exercise due care to assure that flags being flown remain in good condition. The Board may require the removal of any flag being flown that it finds to be torn, frayed or tattered, stained, or otherwise if a resident fails to replace such flag with a suitable replacement within ten (10) days after receiving a request to do so from the Board.

8. If the flag of the United States of America is flown, it must be flown in compliance with the provisions of the American Flag Code. However, as set forth above, the United States Flag shall not be flown between dusk and dawn. The Board may require the removal of any flag not being flown in compliance with such Code if the resident fails to remedy any violation(s) of such Code within ten (10) days after receiving a request to do so from the Board.

9. The Board may modify, alter or amend the rules and regulations governing display of flags at The Tern at any time or from time to time in its sole and absolute discretion.

10. Should any provision of these rules and regulations be declared to be void, invalid, illegal, or unenforceable, for any reason, by the adjudication of any Court or other tribunal having jurisdiction over the subject matter hereof, such judgment shall in no way effect the other provisions hereof, which are hereby declared to be severable and which shall remain in full force and effect.

The undersigned has caused this instrument to be executed pursuant to due authority this 15th day of December, 2019.

EDC Homes – The Tern, LLC,
a Virginia limited liability company,
acting on behalf of the Board of Directors
of The Tern Community Association

By:  (SEAL)
Nicholas S. Jacovides, Manager

**THE TERN COMMUNITY ASSOCIATION
BOARD OF DIRECTORS RESOLUTION REGARDING
SALES AND RENTAL SIGNS**

THIS RESOLUTION is made this 17th day of December, 2019, by EDC HOMES - THE TERN LLC, a Virginia limited liability company, as Developer of The Tern (the "Developer").

RECITALS:

R-1. The Developer entered into that certain Declaration of Rights, Restrictions, Affirmative Obligations And Conditions Applicable to The Tern dated 12/13/19 recorded or to be recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia.

R-2. The Developer currently owns all the land subject to the Declaration and has agreed to adopt certain rules and regulations regarding sales and rental signs ("Advertising Signs").

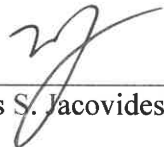
WITNESSETH:

NOW THEREFORE, be it resolved by the Developer, exercising the powers of the Board of Directors pursuant to the Declaration, that the following rules and regulations are adopted:

1. Only one (1) Advertising Sign shall be permitted on a Lot at any time.
2. No Advertising Sign shall be placed in the Common Areas, including the streets.
3. No Advertising Sign may exceed three (3) feet in width or height.
4. A professional sign company must prepare any Advertising Sign.
5. No boxes containing advertising materials related to the rental or sale of a Lot shall be permitted on the exterior of a dwelling on a Lot.
6. Any Advertising Sign must comply with all applicable provisions of the City of Norfolk Zoning Ordinance and the Virginia Real Estate Board.
7. The Homeowners Association, acting by and through the Board of Directors and/or the managing agent, may require the removal of an Advertising Sign that it determines, in its sole discretion, is not in harmony with the quality of development in The Tern.
8. The Developer, in its sole discretion as the Developer, reserves the right to erect temporary or permanent signs on Lots and Common Areas

identifying and/or advertising The Tern. There is no restriction on the number of signs the Developer may erect and the provisions of Sections 1 through 7 shall not apply to the Developer.

EDC Homes – The Tern, LLC,
a Virginia limited liability company,
acting on behalf of the Board of Directors
of The Tern Community Association

By:  (SEAL)
Nicholas S. Jacovides, Manager