

Appendix A

Definitions and Forms

1. **Definitions.** The following terms used in these Rules and Regulations are defined as follows:
- **“A&E Committee” or “A&EC”** means the Architecture and Environment Committee.
 - **“Administration Offices”** are located at 33 Connestee Trail, Brevard, NC and they house the general operational and administrative functions of the Association.
 - **“Amenities”** means the desirable and useful features of the Common Areas, buildings, and facilities.
 - **“Aquatic Center”** means the facilities as addressed in Article XIII of these Rules and Regulations.
 - **“Articles”** means the current version of the Restated Articles of Incorporation of the Association.
 - **“Assessment(s)”** means all sums levied by the Association against any Lot and its Owner(s) as Common Expenses or other charges to include but not be limited to Common Expense liabilities, Unimproved Lot Assessments, Improved Lot Assessments, Special Assessments, specific Assessments, fines, late charges, interest and attorney’s fees as set forth in the Declaration and Bylaws.
 - **“Association” or “CFPOA”** means the Connestee Falls Property Owners Association, Inc., a nonprofit corporation organized under the Nonprofit Corporation Act.
 - **“Bar Code Labels” or “Bar Code Passes”** are the decals and/or paper passes issued by the Administration Offices or Security to authorize the access to the Community in accordance with these Rules and Regulations.
 - **“Board”** means the Board of Directors of Connestee Falls Property Owners Association, Inc.
 - **“Bylaws”** means the current version of the [Bylaws of the Association](#).
 - **“Clubs”** means those organized clubs acknowledged by and authorized by the CFPOA to hold activities within the Community.
 - **“Clubhouse”** means the facilities located in the Overlook Clubhouse located on 98 Overlook Clubhouse Drive, Brevard, NC and includes the immediately surrounding grounds.

- **“Common Area(s)”** means the real property so described and conveyed to the Association in that deed recorded in Deed Book 211 at page 542, together with those areas designated as Common Areas in those Supplemental Declarations referenced in the Fourth Restatement of Declaration of Restrictive Covenants for Connestee Falls recorded in Deed Book 413 at page 30 in the Transylvania County, North Carolina Register of Deeds; all real property which may be later annexed to Connestee Falls as Common Areas; and, all real property acquired by the Association, so designated together with all Improvements which may be at any time constructed thereon, including, but not limited to, recreational and Community facilities, lakes, parks, and streets. To the extent necessary to interpret applicable sections of the Planned Community Act, the term “Common Areas” is deemed to mean and be synonymous with the term Common Elements as defined in the Planned Community Act North Carolina General Statutes (“NCGS”) Section 47F-1-103(4).
- **“Common Expense(s)”** means expenditures made by or financial liabilities incurred for the operation of or connected in any way with the administration of the Community. These include:
 - a. expenses of administration, maintenance, repair or replacement of the Common Areas and physical Improvements located thereon
 - b. expenses defined, referred to, or declared to be Common Expenses by the Declaration or by the [NC Planned Community Act](#)
 - c. expenses agreed upon as Common Expenses by the Association;
 - d. funding of reasonable reserves as may be established or allocated by the Association, whether held in trust or by the Association, for repair, replacement or addition to the Common Areas or any other real or personal property acquired or held by the Association
 - e. expenses levied against or which may be allocated to any particular Owner for fines, late charges, interests, costs of collection, and attorney's fees
- **“Community”** means the Community of Connestee Falls, a gated residential development located in Transylvania County, North Carolina as the same may be shown on the maps and Plats thereof recorded from time to time and which is governed by the Articles, the Declaration, and the Bylaws.
- **“Contractor”** shall be as defined under “Non-Member”.
- **“Declaration”** means the [Fifth Restatement of Declaration of Restrictive Covenants for Connestee Falls](#).

- **“Drones”** means an unmanned aircraft system usually operated remotely for personal or commercial purposes.
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- **Entrance Gate”** means those gate access locations to enter Connestee Falls through the three (3) entrances found off Greenville Highway, East Fork Road and Walnut Hollow Road.
- **“Executive Session”** means an assembly of members of the Board, convened when sensitive or privileged issues involving Members, personnel, or legal matters are discussed.
- **“GateHouse”** means the online access control system used by Members to register Non-Members to allow access to the Community.
- **“General Manager”** is an employee of the Association who has responsibility for all Association operations under the direction of the Board and is the chief managerial officer.
- **“Golf Associate Member”** is a contractual member who has use of the golf course and other amenities, defined by the type of golf membership, at a fee set by the Board of Directors.
- **“Golf Member”** is defined as a member of Connestee Falls Property Owners Association who pays a golf membership fee.
- **“Golf Pro Shop”** means the shop located on the lower level of the Overlook Clubhouse.
- **“Governing Documents”** means the Articles, Declaration, and the Bylaws governing these Rules and Regulations.
- **“Guest”** shall be as defined under “Non-Member”.
- **“Housing Unit(s)”** means any form of housing to include but not limited to detached Single Family Residential, Single Family Attached, Multi-Family Residential, and condominiums.
- **“Immediate Family”** means a Member’s or Tenant’s parents, grandparents, spouse, domestic partner, sister, brother, grandchildren, and children and stepchildren and their immediate families.
- **“Improved Lot Assessment”** means the charge established by Article VII, Section A of the [Fifth Restatement of Declaration of Restrictive Covenants](#) that is levied against an Improved Lot.

- **“Improved Lot”** means any Lot upon which is located, found, placed, or constructed any Improvement. As applied to an Improved Lot, “Improvement” means all buildings, streets, roads, driveways, parking areas, fences, retaining and other walls, hedges, poles, docks, antennas and any other structure of any type or kind.
- **“Improvement”** shall be as defined under Improved Lot.
- **“Inspector”** means an employee given authority by either the A&EC or general manager to review and recommend approval/disposition for a specific project request from an Association Member with actual approval or rejection coming from the A&EC or general manager. The Inspector also has other responsibilities described throughout these Rules and Regulations.
- **“Leasing”** means the regular occupancy of a Lot by any Person other than the Owner, for which the Owner or other Person receives any consideration, benefit, fee, exchange, service, gratuity, or emolument.
- **“Lot”** means any numbered Lot designated on the Plat, any Lot subdivided, platted, or otherwise identified as a Lot in a multi-family residential area, any apartment or living unit in a Multi-Family Residential Housing Unit, or such portion of a multi-family residential area as the Board shall designate.
- **“Member”** means a Person that is the record Owner of a Lot in the Community, who shall be a Member of the Association with Rights and Privileges as further specified in the Articles, Declaration, Bylaws, Rules and Regulations, and policies of the Association, provided that no Lot shall have more than one (1) Voting Member.
- **“Membership”** means the Rights appurtenant to a Lot by which an Owner becomes a Member of the Association. Membership establishes Rights, responsibilities, duties, obligations, and Privileges to and for Members.
- **“Modular Building or Structure”** means a building or Housing Unit that is partially constructed off-site. The finished components are transported to the site for final assembly. Modular homes are referred to as factory built, panelized, system-built, or prefabricated. A mobile home is not a Modular home.
- **“Multi-Family Residential Housing Unit”** means a residential structure or building containing two (2) or more Single-Family Residential Housing Units or apartments, such as, by example and not by limitation, duplexes, multi-plex’s, townhouses, condominiums, and constructed on a Lot or Parcel whose use is designated on the Plats or in a Supplemental Declaration as multi-family residential.

- **“Non-Member”** means each Person in the Community that is not a record Owner and is sponsored by a Member or the Association. A Non-Member shall have no Rights of Membership. The Privileges and obligations of Non-Member classifications cited below shall be as specified in the Articles, Declaration, Bylaws, Rules and Regulations, and policies of the Association. Non-Member classifications include but are not limited to:
 - a. **Resident Affiliate.** Each Person, not otherwise a Member, who cohabits on a regular or ongoing basis in the same Connestee Falls Housing Unit as a Member.
 - b. **Tenant.** Each Person occupying a Connestee Falls Housing Unit for which the Owner or other Person receives a consideration, benefit, fee, exchange, service, gratuity, or emolument. A Guest inhabiting a Housing Unit for a period of more than thirty (30) days may be deemed a Tenant by the Association. A Guest occupying a Housing Unit while the Owner is not present in the Housing Unit may be deemed a Tenant by the Association.
 - c. **Guest/Visitor.** Each Person on the premises of the Community, invited by a Member, Tenant, or the Association.
 - d. **Contractor.** Each Person registered with the Association to allow them access to the Community on a longer-term basis for contracted services on behalf of Members and/or the CFPOA.
 - e. **Service Provider.** Each Person registered by a Member, Tenant or the Association to enter the Community on a daily basis to provide limited services to Housing Units, Amenities and facilities.
- **“Nonprofit Corporation Act”** means [NCGS, Chapter 55A, the North Carolina Nonprofit Corporation Act](#).
- **“Owner”** means a Person who owns an Improved or Unimproved Lot and has legal title thereto through recording of a deed but does not include a Person having an interest in a Lot solely as security for an obligation. The Association is not an “Owner” for purposes of this Declaration since it does not pay Assessments on and does not vote the Lots to which it holds legal title.
- **“Parcel”** means any tract of land that is described or delineated on a Plat.
- **“Patron”** means any Person, whether a Member, Non-Member or otherwise, who accesses and uses the Amenities and/or facilities within the Community.
- **“Permanent Committee”** means a standing committee established by the Board by charter, as described and defined in the [Bylaws](#).

- **“Person”** means one (1) or more natural persons, corporations, partnerships, associations, trusts, or other legal entities, or any combination thereof.
- **“Planned Community Act”** means [NGCS Chapter 47F, North Carolina Planned Community Act](#).
- **“Plat”** means the maps or Plats of Connestee Falls as they are from time to time recorded.
- **“Privileges”** means access to and use of some or all of the Common Areas and Amenities in the Community.
- “Rental Form” means the [Tenant Registration Form for Connestee Falls Residence](#).
- **“Rental Agreement”** means a rental agreement entered into by a Member or an agency that is under contract to manage such property for the Member.
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- **“Resident Affiliate”** shall be as defined under “Non-Member”.
- **“Restated Articles of Incorporation”** means the current version of the Articles.
- **“Key Fob”** refers to the keyless RFID [\[Radio Frequency Identification Device\]](#) entry devices issued to Members to allow access to various facilities and Amenities in the Community.
- **“RFID Tags”** are those decals provided to Members and issued and installed by Administration personnel to allow vehicle access to the Community through the entrance gates.
- **“Rights”** means those rights established by law or by the Association which are not subject to change except by a vote of the Members. These Rights are the Right of one (1) Member per Lot to vote in Member elections; the Right to serve on a Permanent Committee; and the Right of the Voting Member to become a candidate for the Board. Notwithstanding the foregoing, however, the Right of access to a Lot by its Owner shall be absolute.
- **“Security”** means the security force personnel at manned gates or on vehicular patrol, accessed by phone, by electronic means, or in person.
- **“Service Animal”** means a service animal trained to assist the person with his or her specific disability and which has been registered with the North Carolina Department of Health and Human Services in accordance with [North Carolina General Statutes Chapter 168](#).
- **“Service Provider”** shall be defined under “Non-Member”.

- **“Single Family Attached Housing Unit”** means a Housing Unit whereby two (2) Single Family residences share a common wall so that there will be two (2) Single Family Housing Units per building and which may be constructed on a Lot or Parcel located solely within the area of Connestee Falls known as Qualla Village as described in that Agreement recorded in Deed Book 404, Page 72 of the [Transylvania County, North Carolina registry of deeds](#).
- **“Single Family Residential Housing Unit”** means a residential structure built and intended for use and occupancy by a single-family and which is constructed on a Lot designated as a single-family residential Lot on any recorded Plat for the Community or in any Supplemental Declaration. Such structure must therefore be built to accommodate only single meter service for any utilities including but not limited to electric, water, and gas.
- **“Single Family” means** a traditional family unit, a single housekeeping unit, or Persons substantively structured as an integrated family unit such that any of these must function, as a family within the Housing Unit. The composition of the family unit must be relatively stable and permanent.
- **“Special Assessment”** means a form of Assessment applicable only to the year in which it is assessed, obligating each Owner on the date it is approved in accordance with the provisions of the governing documents of the Association. The obligation to pay the Special Assessment to the Association attaches to the Owner and not to the Lot or its subsequent Owners, nor does it terminate with the disposal or sale of the Lot.
- **“Supplemental Declaration”** means:
 - a. the recorded Supplemental Declarations, and Agreements with individual Owners of Parcels of land to change the designation of these certain Parcels of land from a Multi-Family Residential designation to a Single-Family Residential designation, referenced in the Recital to this Declaration; or,
 - b. in the event of real property being annexed to the Community, the recorded Supplemental Declaration which incorporates the provisions of this Declaration therein by reference
- **“Temporary Bar Code Passes”** mean those printed passes issued by Security at an Entrance Gate to allow non-residents limited access into the Community at the Entrance Gates.
- **“Tenant”** shall be as defined under “Non-Member”.

- **“Unimproved Lot Assessment”** means the charge established by Section A of the Fifth Restatement of Declaration of Restrictive Covenants that is levied against an Unimproved Lot.
- **“Unimproved Lot”** means a Lot in its natural forested state, allowing for limited removal of shrubs and trees as approved by the A&E Committee.
- **“Unit”** means a portion of the Community made up of a number of Lots as laid out and developed by the original developer and any successors. For example, Unit 6, Lot 90 means platted Lot 90 located in Unit 6.
- **“Variance”** means a deviation from a prescribed measurement, including but not limited to: a front, side, or rear property line setback; the required size of a Housing Unit; the maximum width of a driveway.
- **“Violation”** means a failure to comply with any or all requirements of the following: (a) the latest Restatement of Declaration of Restrictive Covenants for Connestee Falls, (b) the Restated Articles of Incorporation of Connestee Falls Property Owners, Inc, (c) The Connestee Falls Property Owners, Inc. Bylaws, (d) these Rules and Regulations, and (e) a failure to obtain permit approval from the A&E Committee for work that changes the external appearance of a property or failure to comply with the requirements or limitations of an approved permit.
- **“Visitor”** shall be as defined under “Non-Member”.
- **“Voting Member”** means that Member who has the sole Right to cast a vote on behalf of a Lot in any election called by the Board.

2. Forms for Rules and Regulations. Forms for Member use in conjunction with these Rules and Regulations shall be adopted by the Board and are available in the CFPOA Administration Offices.