

and all other HOA materials that dictate the governance and development of property within the Subdivision ("HOA Materials").

1.2 Owner is presently proceeding with certain residential development of the Property that will require HOA Design Review Board approval, and also mandates approved landscaping and other exterior improvements ("Project"). Said exterior improvements are required by the HOA Materials for the benefit of the HOA, the Owner, and subsequent owners within and adjacent to the Property, and accordingly are required by the HOA to be properly completed and accepted prior to securing a Certificate of Compliance for the HOA. Any exterior improvements required by DRB Final Plan approval that remain unfinished due to weather conditions only will be set forth in a letter of Conditional Certificate of Compliance to be provided to Owner, and may hereafter be referred to as the "Exterior Improvements" or "Improvements".

1.3 If Owner has completed residential construction on the Property, but has not completed the mandated Exterior Improvements, yet desires to obtain a Conditional Certificate of Compliance ("CCC") from the HOA, the HOA is willing to provide such a CCC to the Owner, subject to collection of Compliance Deposit to guarantee and secure the proper completion and establishment of the Exterior Improvements on a timely basis. Accordingly, this Agreement and Compliance Deposit will provide security to assure completion of the Improvements on Owner's Project, and will serve to protect the HOA from the risk of Owners failing to complete such Improvements.

II. CONSTRUCTION OF IMPROVEMENTS

2.1 Agreement to Construct Improvements. Subject to and in accordance with the terms and provisions of this Agreement, Owner agrees to cause the Improvements to be constructed and completed, in accordance with the provisions of this Agreement. Such compliance shall be determined by Administrator or such other agent of the HOA.

2.2 DRB Preliminary Approval. A Preliminary Approval for the design of Improvements on the Property shall not be issued until this Agreement is fully executed, and security for completion of the Improvements is provided to the HOA, as provided for herein.