

**INDIAN CREEK COVE HOMEOWNERS  
ASSOCIATION**

C/O 415-A Church Street, Suite 101  
Huntsville, AL 35801  
256-534-4225



11/04/11

Dear Neighbors,

Hello to all. It is another great day to be a resident in Indian Creek Cove. We have made tremendous strides as a community over the last few years and establishing the formal enforcement of our Covenants has surely been one of the most important. This letter is to address the requirement to conceal or screen garbage cans.

I will start by stating two things: 1) our Covenants are legally binding documents filed with the Madison County Probate Judge's office which are attached to the homes and property within our community, and 2) with regards to the trash can issue, well over two-thirds of our community is in compliance and many of those asked have expressed a strong desire to continue enforcement.

For those that may not be familiar with the issue, here's a quick explanation. Our Covenants state:

*"All clotheslines, garbage cans, wood piles, swimming pool pumps, filters and related equipment, air conditioning compressors and other similar items shall be located or screened so as to be concealed from view of neighboring streets and property."*

Let me first state that a prior HOA Board voted not to enforce the requirement to screen air conditioning units because the units are permanent, immovable items and the screens would interfere with the efficient operation of the units. The current Board agrees with that decision. However, no decision was made as to the other stipulations of this clause. Our management company has been enforcing the standard as written; if you can see the trash can from any angle it is counted as a violation. Many in the community disagree with the requirement to screen the trash cans at all, while some desire minimal screening from only direct view (i.e., from the front of the house, not from angles or side lot views), and then there is the rest of the community that believes full obscuration from view and enforcement of the Covenant as written is appropriate. As your Board of Directors, we have considered the many

points and arguments made for various approaches to resolve this issue. Our interpretation and guidance for the enforcement of this Covenant is as follows:

*Trash cans should either be moved completely out of sight (behind a fence or in a garage) or screened from view from the front of the house or the driveway. Screens that are not solid are allowed if approved by the Architectural Review Committee (ARC). The guidance for an adequate screen would be that anyone passing a home may be able to glimpse a trash can if they look closely but someone casually driving by a home should notice the screen, not the trash can.*

*a. Any wooden or brick lattice work must be approved by the ARC to assure the screen is in harmony with the rest of the community. If any structures have been erected without ARC approval, then the homeowners will receive notification that their screen has not been approved by the ARC and they must submit an ARC application with the understanding that if the ARC does not approve the screen they must remove it.*

*b. Any bushes should be as tall as the trash can and dense enough to provide an adequate screen as noted above. Immature bushes (i.e. newly planted) that are too young to provide adequate screening of a trash can will require the homeowner to locate or screen the trash can in another manner until the bushes adequately mature.*

With the publishing of this formal guidance and interpretation of the enforcement of this specific covenant, the Board is directing Hughes Properties, Inc. to "reset" the list of trash can violations and begin anew with the next community drive through. So for those in our community that have received notification letters in reference to your trash cans, you will get a reprieve. Any previous trash can violations will be cleared.

As a Board and as residents in this wonderful community, we will continue to do all we can to ensure the beautification, value, safety and security of our neighborhood. However, we could get so much more accomplished with more volunteers. Please consider where you can help and get involved by joining one of our HOA committees. You can find out more information on our website at [www.indiancreekcovehoa.com](http://www.indiancreekcovehoa.com).

Sincerely,

Your ICC HOA Board of Directors