

# FINCA BELLAVISTA

## *Our Mission Statement:*

“To provide an opportunity for ecologically minded individuals to own property and reside within an unspoiled rainforest ecosystem while promoting the conservation of species and the natural environment.”



GUIDELINES  
OF CRESTED BEAUTY, S.A.,  
A COSTARICAN CORPORATION

*IT IS INTENDED THAT ALL PURCHASERS OF PARCELS LOCATED AT FINCA BELLAVISTA, PUNTARENAS, COSTA RICA, SHALL PURCHASE THE PARCELS SUBJECT TO AND BE BOUND BY THESE GUIDELINES AFFECTING SAID PARCELS AT FINCA BELLAVISTA NOW AND FOREVER MORE.*

CRESTED BEAUTY, S.A.'s  
COVENANTS, CONDITIONS, RESTRICTIONS, RULES,  
REGULATIONS AND AGREEMENTS  
GOVERNING AND REGULATING  
FINCA BELLAVISTA, PUNTARENAS, COSTA RICA, C.A.  
("GUIDELINES")

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## I. INTRODUCTION

Finca Bellavista was created by Crested Beauty, S.A. to provide an opportunity for a sustainable and harmonious lifestyle for property owners in a pristine rainforest environment. With focus on the preservation of fragile habitat for endangered species and using our natural resources wisely, Finca Bellavista will utilize sustainable practices such as hydroelectric and solar power, centralized water treatment and distribution, and a common garden area for the community, among other elements.

Residents of Finca Bellavista will enjoy a quality of life, sense of community, and sustainable immersion in the natural rainforest environment not available anywhere else on earth... Imagine relaxing in your hammock to the sights and sounds of waterfalls and a troop of howler monkeys frolicking in the rainforest canopy around you. Wake up each morning to the songs of a plethora of the 850 recorded species of birds in Costa Rica. From your rainforest home you will feel as though you are, indeed, a part of the natural rainforest community.

- A. Purpose - The Eco-Guidelines set forth herein have been adopted and will be amended from time to time to accomplish the highest standard of self-sustainability that can be reached for the environment and healthy continuance of Finca Bellavista. The goal is to create practices for sustainable development and dwellings that minimally affect the environment. The parcel owners are individuals who share Crested Beauty, S.A.'s appreciation of nature and our concerns to maintain these important natural habitats. To ensure the lowest possible impact on the existing plant and animal life, boardwalks/bridges and gravel and/or stone walkways will be strategically located on the property to elevate the human travel path as necessary. When pathways are created for access purposes, culverts will be installed to maintain the water flow. All dwellings are to be unobtrusive, site-adaptive in design and must be of stilt construction and/or arboreal suspension and/or cantilevering to further ensure that the soils and ecosystems of Finca Bellavista are minimally disturbed and to accommodate all creatures that rely on the fragile rainforest ecosystem. Creeks and rivers swell, particularly during the rainy season and the water levels within Finca Bellavista's water resources rise, sometimes creating new habitats. The diverse flora and fauna of the Finca is dependent upon the essential replenishment of the fresh water supply provided by the seasonal rainfall. These ecologically conscious guidelines (Eco-Guidelines hereafter) have been established to provide policies and procedures so we can co-exist with and have minimal impact upon the natural habitats. These Eco-Guidelines will maintain the natural condition and value of Finca Bellavista properties and make the community a harmonious and aesthetically pleasing rainforest Preserve.
- B. Authority of Crested Beauty S.A.'s Board of Directors - The Board of Directors of Crested Beauty, S.A., a Costa Rican Corporation, after having

received approval from the Government of Costa Rica, Department of the Environment (hereinafter referred to as the D.O.E.), shall promulgate and adopt such covenants, conditions, restrictions, rules, regulations and agreements as it deems necessary and proper, setting forth guidelines, procedures and requirements to be followed and complied with by parcel owners at Finca Bellavista.

## II. ESTABLISHMENT OF THE ENVIRONMENTAL REVIEW BOARD ("E.R.B.")

- A. Membership - In order to administer and supervise the enforcement of all these Eco-Guidelines and in order to provide a systematic and uniform review of all proposed construction of any type and nature on Finca Bellavista, the Board of Directors of Crested Beauty, S.A. shall have promulgated and enacted the Eco-Guidelines herein set forth and do hereby establish the E.R.B. which shall be composed of three members. The Board of Directors of Crested Beauty, S.A. shall, in its sole discretion, appoint all members of the E.R.B. (Each to be a voting member). The purpose of the E.R.B. is to provide for a systematic and uniform review of all proposed construction of any type or nature whatsoever within the boundaries of Finca Bellavista and to establish and maintain design criteria regarding such proposed plans for building and construction. The E.R.B. will ensure that such plans are consistent with the quality of environmental standards required by these Eco-Guidelines.
- B. Authority of the E.R.B. is to:
  - 1. Require an application, any appropriate plans and drawings, sample colors and exterior materials.
  - 2. Charge review fees.
  - 3. Approve or deny items submitted.
  - 4. Halt any construction process on site that is in violation of these terms.
  - 5. Distribute construction-related rules and regulations.
  - 6. Determine and review policies, procedures and criteria.
  - 7. Revise/amend E.R.B. rules, regulations, policies, procedures, criteria, covenants, conditions and restrictions subject to approval of the Board of Directors of Crested Beauty, S.A.
- C. Definitions for E.R.B. Procedures
  - 1. Applicant - the individual making the submittal to the E.R.B.; either the parcel owner or an agent for the parcel owner.
  - 2. Category of Review - one of the five organized areas of review criteria: Site Plan, Survey, Floor Plan/Elevations, Exterior Materials/Colors, Landscape. All items submitted must be organized accordingly and show compliance with all review criteria for the Category submitted, as detailed in the chapter "Review Criteria" in order to receive final approval.
  - 3. Final Approval - a decision by the E.R.B. that the item(s) reviewed have met all criteria standards and requirements for that Category

of Review. Final Approval of both the Site Plan Category and Floor Plan & Elevations Category indicate approval for construction commencement. No site work is allowed that pertains to a Category of Review without receipt of plans by Applicant with a Final Approval stamp and the decision letter.

4. Conditional Approval - a decision by the E.R.B. that the item(s) reviewed meet(s) all criteria with the exception of a few minor notations. The E.R.B. has determined, in its sole discretion, that the item(s) may be revised and resubmitted to the E.R.B. Chairperson or other designated individual who may give Final Approval upon determination of compliance with the required criteria. No work may commence until receipt by Applicant of plans with a Final Approval stamp and the decision letter. Failure to receive Final Approval within the time period allotted will result in an official decision of denial. Dwelling additions and re-habs may commence work provided housekeeping items are corrected within the allotted time frame directed by the E.R.B. Resubmission of these plans must be signed and sealed and the office of the E.R.B must write a Final Approval letter.
5. Denial - a decision by the E.R.B. that the item(s) reviewed are in conflict with E.R.B. criteria standards or insufficient in detailing the appropriate E.R.B. criteria. Resubmission of revised item(s) will require inclusion submission of a resubmission fee as noted in this document.
6. MINAE – Ministry of Energy and the Environment, Government of Costa Rica.
7. Table - a decision by the E.R.B. whereby the item(s) reviewed are not in conflict with the criteria; however, additional information must be received either by the E.R.B. or applicant in addition to that otherwise required, due to unusual or exceptional circumstances.
8. Decision Letter - the letter from the E.R.B. Chairperson or his or her designee that details the E.R.B. decision regarding any items reviewed by either the E.R.B. or its designee.
9. Lowest Finished First Floor Elevation - that elevation of the lowest, habitable finished floor line.
10. Hardship - any unusual and extraordinary circumstances beyond the control of the Applicant that causes a problem with either the construction or use of a residence, as determined in the sole and absolute discretion of the E.R.B. No hardship variance can modify any provisions of this document, without the approval of the E.R.B.
11. Privacy Wall - a wall, of which the purpose is to provide privacy into a specific area of a yard or residence.
12. Dwelling - any structure erected for the support, enclosure, shelter, protection or use for chattels, persons, animals and the like.
13. Structure - refer to the definition of "dwelling."

14. Accessory Structure - any man-made item or element including, but not limited to: sculptures, statuary, decorative art objects, urns, rock gardens, etc.
15. Ground Preparation (including Demolition) - starting site preparation, removal or alteration of landscaping, beginning alterations to or demolition of existing dwellings or structures, new dwelling construction, or commencing any work on a parcel or site prior to E.R.B. approval thereof.

### III. RULES, REGULATIONS, POLICIES AND PROCEDURES OF THE E.R.B.

- A. Meetings - Meetings for the E.R.B. are held monthly, unless otherwise designated. The E.R.B. Chairperson, as appointed by the Board of Directors of Crested Beauty, S.A., chairs the meetings. A majority of voting E.R.B. members constitutes a quorum for any E.R.B. meeting. Decisions are based on a simple majority vote of those voting members present. An E.R.B. member may designate a proxy to act as a temporary member in his/her place provided that the Board of Directors of Crested Beauty, S.A. approves such designee.
- B. Construction Restrictions - No construction, demolition or alteration may be started in any manner or respect, including ground preparation, until Final Approval, stamped plans have been received by the Applicant for both the Site Plan Category and Floor Plan and Elevations Category. No other category of work may be commenced without Final Approval being received by the Applicant, except for surveying and staking. "Construction" includes demolition of an existing dwelling and ground preparation, as defined herein and also includes the alteration or renovation of an existing dwelling where 50% or more of the floor area of the existing dwelling is to be altered, renovated or added. Reasonable extensions of time may be granted by the E.R.B. for good cause on payment of additional fees as provided in these Eco-Guidelines. On failure of the Parcel Owner to observe requirements as to commencement and completion of construction, the E.R.B. shall, in its discretion, impose fines against the Parcel Owner as provided herein.
- C. Limitation of Responsibilities - The E.R.B. reviews the items in a submission package for conformance with the criteria as detailed in these Eco-Guidelines. The E.R.B., Crested Beauty, S.A., its Board of Directors, Officers and Employees do not in any way assume responsibility for:
  1. The structural integrity, adequacy, safety or withdrawal.
  2. Soil erosion or otherwise unstable soil conditions.
  3. Compliance with applicable governmental or quasi-governmental laws, regulations, code ordinances or requirements.
  4. Performance or quality of work by any contractor or subcontractor.
- D. Easement Releases - Review/approval does not relieve Applicants of the responsibility to obtain required releases for any construction in easements prior to commencement of construction.

- E. Plan Preparation - All plans must be professionally prepared.
- F. Parcel Use - Only residential or private recreational uses are allowed for all parcels within the boundaries of Finca Bellavista.
  - 1. Property Rentals - An in-house property management company has been created to assist property owners with future rentals, scheduling, cleaning, etc. Due to liability issues, security, costs, logistics of getting renters/guests and luggage/groceries/etc. to the properties, as well as training/supervision in the use of the "Sky Trail" network of zip lines and platforms, all owners interested in renting their property at Finca Bellavista for short-term and/or long-term rentals are required to utilize the in-house property management company for their property management needs. Please contact Crested Beauty, S.A. for further details regarding property management.
- G. Review - The E.R.B. may withhold approval, or refrain from taking any action of any items for a parcel if there are existing E.R.B. violations associated with the parcel, or any other parcels owned by the Applicant, or if any other items requested by the E.R.B. pertaining to the parcel, or other parcels owned by the Applicant are past due in receipt.
- H. Fines - If the E.R.B. notifies a Parcel Owner of a violation thereon of any provision of these Eco-Guidelines, and such violation is not corrected within thirty (30) days after notice, then the E.R.B. may impose a fine in an amount up to a maximum of five hundred dollars (US\$500.00), and said fine may be re-imposed every additional sixty (60) days, that said violation remains uncorrected. The E.R.B. shall notify the Board of Directors of Crested Beauty, S.A. of such fines, and the Board of Directors of Crested Beauty, S.A. shall have the authority to levy an Individual Assessment for such fines, including without limitation, the filing and foreclosing of a lien against the parcel.
- I. Mineral Rights: There are no mineral rights conveyed with any parcel and under no circumstances will there be mining of any kind within the boundaries of Finca Bellavista.

#### IV. PROCEDURES FOR SUBMISSION OF PARCEL OWNER'S APPLICATION

- A. Submission Package - The Submission Package should include a cover letter from the Applicant, any appropriate fee and the item(s) for review. All packages are to be submitted in duplicate form. Drawing must be submitted in English and unit of measure must be feet and inches. Minimum scale requested for drawings is 3/16" = 1'. There are three (3) Categories of Review:
  - 1. Survey
  - 2. Site Plan – Must show position of building on parcel with roof dimensions, setbacks and material specifications. Must show North position.
  - 3. Architectural Plans – including:

- a. Floor Plan – Must show interior dimensions (net area for each room) and exterior dimensions. Create chart showing:
  - i. Gross area of building (based on outside dimensions).
  - ii. Sum of the veranda, stair and platform areas (and all other areas not considered part of the living area).
  - iii. Sum of items IV.A.3.a.i. and IV.A.3.a.ii considered total building area.
- b. Sections – At least one section of the building illustrating highest point of building with dimensions from ground to top of roof and material specification.
- c. Elevations – Front and side
- d. Floor Framing System
- e. Roof Framing System
- f. Electrical Plan
- g. Plumbing Plan
- h. Exterior Colors and Materials

-To view a sample of Architectural Plans, please visit the [www.fincabellavista.net](http://www.fincabellavista.net) website.

The Submission Package for Final Approval must include the final drawings as intended to be submitted to the Government of Costa Rica. Each Submission Package must include a Review Application and be complete, (i.e. all criteria pertinent to that Category of Review must be included or otherwise referenced, in order to receive Final Approval). The criteria are detailed further in these Eco-Guidelines in the chapter on "Review Criteria." All categories of review should be submitted simultaneously.

- B. Review Fees - There is a two hundred dollar (US\$200.00) review fee that includes preliminary and final review for all review category submissions. This must be included as part of the initial submission package. Fee for revision to a previously approved plan is one hundred dollars (US\$100.00).
- C. Plan Review - The E.R.B. reviews all submission packages within 30 days of submission unless designated otherwise. The response may be mailed upon request. The response consists of one set of appropriately stamped items and the E.R.B. decision letter. Applicants are encouraged to submit items in a conceptual or preliminary state when there are questionable review items, as such submissions could avoid costly resubmission and/or delays later in the review process.

- D. Revised Plans - Revisions to any Final Approval item(s) must be submitted for approval according to the above-described procedures. Revision fee due on submission of revisions is specified in IV.B. above.
- E. Variances - Under rare circumstances, a variance to those requirements established by the E.R.B. may be granted to an Applicant. All variance requests must be made in writing. Any variance granted is to be considered unique and not precedent setting for future E.R.B. decisions. A variance will be issued based on E.R.B. judgment of hardship, community aesthetics or any pertinent environmental issue and must be reasonable under the circumstances, and subject to any applicable provisions herein.
- F. Withdrawal - In the event a submission is unqualified for E.R.B. review, the Applicant may withdraw the submission and any review fee will be returned upon request.
- G. Appeal - In the event an appeal is desired of a Denial decision, under this document, an Applicant may request a re-review of submitted plans. The E.R.B. will make its decision within thirty (30) days of its meeting. If the issue being appealed is an issue of environmental significance it may be brought to the D.O.E. and their decision shall be binding. All costs incurred in going before the D.O.E. shall be the responsibility of the Applicant. The D.O.E. decision will be final and binding.
- H. Remedies - In the event of commencement of construction or site improvement for items pertaining to a Category of Review for which Final Approval has not been granted, the E.R.B. shall, through the Board of Directors of Crested Beauty, S.A., seek any available legal remedy, which shall include injunctive relief.
- I. Completion of Construction: Certification; Survey; Inspection - The building or improvement shall not be used or, it shall not be occupied until such time as (1) the E.R.B. receives notice of completion from the Parcel Owner or his or her agent certifying that all construction and improvements comply with plans and specifications as previously approved by the E.R.B., prepared as required by E.R.B. regulations, showing all construction and improvements in accordance with plans and specifications previously approved by the E.R.B.; (2) the E.R.B. approved same for compliance with plans and specifications as previously approved by the E.R.B.

## V. REVIEW CRITERIA FOR APPLICATION TO THE E.R.B.

### A. Utilities

1. Energy Plan- All power generated on Finca Bellavista will be centralized to one main backup system for primary functions, as well as to utilize the power generated from hydroelectric and/or solar power generated by property owners while they are away from Finca Bellavista (whenever feasible).
  - a. Solar power and/or wind power and/or hydro power shall be the primary sources of energy on Finca Bellavista. Low

- decibel butane generators may be used for emergency backup power.
  - b. The use of a gauge is encouraged to monitor available energy in the battery and indicate when batteries are full.
  - c. The use of a voltmeter is encouraged to allow Parcel Owners to adjust solar panels to the optimum angle to the sun.
  - d. The use of an occupancy sensor is encouraged to minimize energy use when unit is not occupied.
  - e. For ventilation and cooling, passive and neutral techniques should be used.
  - f. External power will be available for emergencies and available by permit.
2. Water Supply and Collection - Units must have cisterns, bladders or water catchments and holding systems, which store rainwater collected. A reverse osmosis water treatment system may be used for production of potable water.
3. Waste
- a. Composting Toilets - Human waste must be treated with composting toilets. Septic tanks, cesspools and sewers are prohibited.
  - b. Gray water (showers, sinks, etc.) - Gray water holding tanks shall be used in conjunction with drip irrigation systems for the fertilization of local planting.
  - c. Food Waste - Food waste must be disposed of in composting bins.
  - d. All Residential Parcel Owners must participate in the Recycling and Reclamation Program. They must have a composting bin for food waste, paper products and any other compostable materials, along with recycling bins for crushed metal cans, glass and plastic bottles and/or containers. Parcel Owners must take recyclable materials to the designated recycled waste collection site located at the main reception/parking area.
4. Lighting fixtures
- a. Dwelling lighting may be low or high voltage.
  - b. Lighting shall be low intensity and directed downward or reflected with cut off angles so as to not be directly visible by other parcel owners or disturbing to the wildlife.
5. Approval - All Utility Plans must be submitted to E.R.B. for approval.
6. All consumable goods or products, including but not limited to bathing products, cleaning solutions, cleaning products, cleaning supplies, household paper products and sunscreen must be

biodegradable. Approved biodegradable products will be available for purchase at the reception area.

B. Survey

The E.R.B. reserves the right to request a survey of any questionable item during construction of the dwelling.

C. Site Plan

1. Setbacks

- a. All setbacks shall be subject to and comply with documentation herein, and shall be measured from the appropriate property line. Dimensions from the property line for any structural elements (e.g. structures, screened enclosures, porches, walls, equipment, accessory structure, garage, etc.) must be shown. The E.R.B. may modify, amend or waive setback requirements in accordance with this document.
- b. Minimum front yard, rear yard and side yard setbacks for dwellings, patios, porches, decks, buildings and screened enclosures is ten (10) feet.
- c. Minimum side yard setback for equipment, trash containers and other similar utilitarian devices is ten (10) feet. Such items must be landscaped from view.
- d. No equipment is permitted in front, side or rear yard building setback areas.

2. Grade Elevations

- a. The site plan must show the minimum lowest, finished floor elevation, according to the definition in II.C.10. of these Eco-Guidelines.

3. Residential Signs/Graphics

- a. All signage must be included in the submission package and approved by the E.R.B.

4. Fences and Walls

- a. The design, materials and height of any wall and/or fence must be shown, either on the site plan or by separate drawing.
- b. Privacy walls and fences, as defined in II.C.12, are prohibited; as such devices would restrict wildlife movement. Exceptions include a privacy wall around a cistern, composting toilet, or garbage bins, which may not exceed eight (8) feet in height.
- c. No wall or fence may obstruct the drainage or the flow of water.
- d. Any combination of landscaping and fence or wall elements must be approved by the E.R.B. in its sole discretion.

5. Accessory Dwellings and Structures

- a. Any accessory structure, as defined in II.C.15. of these Eco-Guidelines, must be detailed on the site plan and specifically approved by the E.R.B.
    - b. Aerials, antennae and satellite dishes are acceptable as approved by E.R.B. regulations.
    - c. No accessory buildings of any kind are permitted unless otherwise approved by the E.R.B.
  6. Swimming Pools, Hot Tubs, Whirlpools, Etc.
    - a. E.R.B.-approved cement in-ground pools and stream diversions will be permitted where they do not materially disturb the natural habitats or natural water flow. Non-E.R.B. approved private in-ground swimming pools, hot tubs, whirlpools, etc. are prohibited on Finca Bellavista.
  7. Garbage and Trash Containers; Sanitary Structures
    - a. During the construction period of a residence, a construction container, or other approved containers are required on the site. Such containers or composting toilets are to be located so as to provide minimum visual off-site exposure. Construction debris is to be removed from Finca Bellavista frequently to avoid offense or nuisance to neighbors and must be disposed of at an appropriate disposal site at parcel owner's or contractor's sole expense.
    - b. A wall, fence or adequate landscaping must conceal residential garbage containers and/or compost bins.
  8. Utilities
    - a. All power transformers and other utility service equipment are to be shielded by enclosures of wood, masonry or landscaping as approved by the E.R.B.
- D. Architectural Plans
  1. Building Size
    - a. On a residential parcel, construction of a single story dwelling may not exceed twenty percent (20%) of the gross parcel square footage (e.g. parcel size is 50' X 100' = 5,000 square feet, dwelling may not exceed 1,000 square feet). Square footage measurements shall include the exterior walls. All square footage measurements shall be exclusive of porches, decks or patios.
    - b. Parcel Owners having multiple parcels, each contiguous, may construct a dwelling using the same calculation as above; however, multiple parcel square footage may be combined in the calculation of a single dwelling's total square footage.
    - c. Associated structures such as porches, decks, patios, holding tanks for water storage, storerooms and other structures may not exceed 10% of the total parcel size.

This 10% calculation shall be considered in addition to the 20% residential dwelling calculations.

- d. Floor Plan drawings must use a minimum scale of 3/16" = 1'.
2. Elevations
  - a. All dwellings are to be erected on stilt or post construction, or using arboreal suspension and/or cantilevering, having a minimum height of four (4) feet above existing grade.
  - b. Elevation drawings must use a minimum scale of 3/16" = 1'.
3. Roofs - Roofs should be designed to catch rainwater with drainage to a cistern or bladder. Roofs are to be constructed with overhangs to protect dwellings from mid-day sun.
  - a. The minimum roof slope is a 3:12 slope. A lower slope, or even some flattened roof area, may be allowed if, in the sole discretion of the E.R.B., such roof area is architecturally integrated into the overall roof design.
  - b. Rooftop solar collectors and water heaters, as approved by the E.R.B. may be used.
  - c. Plumbing and heating vents protruding from any roof area are to be painted so as to blend into the roofing color.
    - d. Asphalt and gravel built up roofing on pitched surfaces and asphalt composition shingles are prohibited.
    - e. Roof plan must use a minimum scale of 3/16" = 1'.
4. Automobiles, ATVs, and other motor-driven transportation.
  - a. Automobiles, ATVs, and any other motor-driven transportation are prohibited on Finca Bellavista, with the exception of the main parking area at the reception area.
5. Exterior Colors, Materials and Screening
  - a. Exterior Colors
    1. All colors are to be approved by the E.R.B. The E.R.B. reserves the right to review any other item that may affect the exterior appearance.
    2. The E.R.B. will consider the aesthetic harmony of the color schedule with the surrounding area.
  - b. Exterior Materials
    1. Imitation materials for facades are acceptable as long as they are architecturally integrated with dwelling design.
    2. Native materials: Use of reclaimed and/or dead fallen trees native to Costa Rica and/or teak, ironwood, eucalyptus and other reforested timbers is encouraged.
  - c. Screen Enclosures

1. Screen enclosures must be of a color that harmonizes with the natural scheme.
2. All screen roofs must be of a hip, gable or mansard type.
3. Plans submitted for screen enclosures must include the following:
  - a. A complete site plan showing the screen enclosure.
  - b. A complete roof plan of the dwelling showing the screen enclosure with the configuration of the screen enclosure frame members in plan.
  - c. All affected exterior elevations of the entire dwelling showing all the frame members of the screen enclosure in place.
6. Landscape, Irrigation and Exterior Lighting
  - a. Tree and Shrub Trimming and Removal
    1. No trees will be cut or removed without E.R.B. approval.
  - b. Landscape Materials
    1. If additional landscape materials are needed they shall be indigenous rainforest plants to Costa Rica. A list of additional landscaping materials can be provided by the E.R.B. upon request.
    2. No trees will be cut or removed without approval of the E.R.B. If a tree is removed, the owner will replace it with another tree acceptable to the E.R.B. on another portion of the site, or the E.R.B., in its sole discretion, may approve non-replacement.
    3. Final Approval of all landscape material will include the reservation of the right by the E.R.B. to inspect the plantings during the six (6) month period following the completion of the landscape installation.
7. Exterior Lighting
  - a. Outdoor lighting must be located so that it does not interfere with or become a nuisance to other residents or wildlife (e.g. no exterior flood lights).
  - b. The light source of any exterior light must be shielded from public view.
  - c. The E.R.B. reserves the right to enforce lighting provisions from aesthetics and an environmental standpoint after the construction of the residence is completed.

VI. RULES, REGULATIONS AND AGREEMENTS - Parcel Owners, builders and contractors jointly and individually assume responsibility for observance and compliance with all applicable rules, regulations, requirements and agreements herein contained.

- A. Accessory Structures (Other than Dwelling - As approved by the E.R.B.) - Must be located within property lines and within required setbacks. Accessory Structures must not be located, constructed, painted or used in such manner as to create any off-site visual, audible or aesthetic nuisance or disturbance. The E.R.B. shall consider height (including base or foundation structure), size, number of objects in adjacent area, color, design, lighting (if any), material, subject and possible interference with rights of other Parcel Owners to quiet enjoyment of their rights and properties. Accessory Structures must not create a safety hazard to occupants or off-site persons (e.g. neighbors). Landscaping screening or restrictions on hours or manner of use, may be considered in reviewing proposed installation of the Accessory Structures.
- B. Maintenance; Exterior Colors: Applicable to original or repainting of Accessory Structures, Roofs, Fences, Awnings, Screen Enclosures and any additional or appurtenances thereto. Repainting in original colors is permitted without application. Subject to review of neighboring parcels and other residences within Finca Bellavista, variations and variances shall be considered or permitted if in keeping with overall requirements of aesthetics for type of structure, location, community appearance, maintenance and resale values. Maintenance is the responsibility of the Parcel Owner. All dwellings, accessory and related structures shall be cleaned and maintained as in original or subsequently approved condition so as to maintain the harmony and aesthetic appearance of the community. Fines for non-observance shall be imposed at the sole discretion of the E.R.B.
- C. Satellite Dishes - Regulations cover all exterior parts of Digital Satellite System, including satellite dish, base, mounting board, mounting brackets, wiring and all accessory and related equipment.
  - 1. Satellite dishes on Residential parcels may not exceed 24" in diameter.
  - 2. Satellite dishes must be screened from off-site view by wall, fence, shrubs, trees or other appropriate landscaping. Any such screening is to be maintained.
  - 3. Each application for installation is to be reviewed, at the discretion of the E.R.B., on an individual basis, considering site, color, manner of installation, location of installation, possible visual or other nuisance, aesthetics, size and other factors.
- D. Solar Collectors and Panels - Application to include scaled roof plan showing design, location and construction of solar panels, all elevations reflecting accessory equipment and supply and return pipes. The E.R.B. will consider the appearance and aesthetic harmony of the installation but

shall not have responsibility for its materials, structural integrity, safety, suitability for intended use or manner of installation.

- E. New Construction, Alteration, Renovation, Demolition and Ground Preparation of Dwellings and Parcels (herein termed "Construction").
  - 1. Adjoining parcels shall be kept free of all Construction material and refuse at all times during Construction.
  - 2. Sanitary structures (e.g. portable composting toilets) and refuse containers are limited to one of each located on the Construction site. Both composting toilets and containers must be screened to provide minimum off-site view or exposure.
  - 3. Building materials, refuse, or Construction equipment shall not be discarded on or in any way permitted to remain on neighboring properties.
  - 4. Damage to adjoining properties is the responsibility of Parcel Owner and builder/contractor.
  - 5. In addition to penalties and liabilities provided by D.O.E., the E.R.B. may halt the construction process on a site until the violation is corrected.
- F. Common area- There are designated "common areas" and parks within Finca Bellavista, which are for the exclusive use of parcel owners and their guests. Parks will be a no "use" area and will be accessible for "viewing" and aesthetic purposes.
  - 1. Waterfalls/River: The designated common areas surrounding the waterfalls and a 30-foot setback from the banks of Rio Bellavista and Rio Piedras Blancas are for the exclusive use and enjoyment of Finca Bellavista property owners and their guests. This area can be referenced on the plano, or survey map, of Finca Bellavista.
  - 2. Foot paths/trails/bridges: The footpaths and/or bridges throughout Finca Bellavista are for the exclusive use of property owners and their guests. All property owners hereby agree to allow a right-of-way on these footpaths and trails for all other owners to access other parcels and/or other areas of the Finca Bellavista. Trails may be moved to accommodate for a particular chosen building site for a parcel, pending E.R.B approval.
  - 3. Reception area/parking: In keeping with the principles of eco-preservation and to minimize impact on the pristine rainforest environment of Finca Bellavista, all travel within Finca Bellavista will be on foot and/or non-mechanized travel. All motor-vehicles will be parked and/or stored at the main parking lot by the reception area at the top of the south side of Finca Bellavista. Exceptions, during the construction phase, for example, may be granted from the E.R.B. on a

case by case basis. Additional exceptions may include the case of individuals with special needs that may require the use of a mechanized wheelchair.

4. From the reception area, parcel owners and their guests can access their properties and all other parts of Finca Bellavista by via the foot paths/trails and bridges. Carts will be available for the exclusive use of property owners to transport personal items, groceries, etc. to and from the reception area and their home.
  5. Security: Provisions will made for adequate on-site security at all times at the parking area/entrance to the subdivision (reception center). The rest of the subdivision perimeter is surrounded by literally tens of thousands of acres of primary rainforest. Reasonable necessary precautions must still be taken by all property owners in regard to their personal property and/or structures. Crested Beauty, S.A., its Board of Directors, E.R.B. members, and employees shall not be held responsible for any losses of or damage to, personal property within the confines of Finca Bellavista. Property owners are advised to take reasonable measures to ensure the security of their property and personal belongings. Storage lockers will be made available at the reception area, for a monthly fee, for property owners' personal affects that they would rather not leave in their homes while they are away.
  6. Kitchen/bar/restaurant/picnic areas: Crested Beauty, S.A. hopes to construct kitchen facilities and/or a bar/restaurant and/or picnic areas for the common use of Finca Bellavista property owners and their guests. These facilities will be constructed as soon as it is financially viable to do so.
- G. Fire Extinguishers - All buildings must have a minimum of one fire extinguisher per each 500 square feet of dwelling.
  - H. Take nothing but pictures. Leave nothing but footprints. Any item(s) found on Finca Bellavista are to remain on Finca Bellavista. Artifacts, antiquities, alive or dead flora must remain.
  - I. Domestic animals: Domestic pets are permitted on Finca Bellavista, provided they are leashed at all times outside of the home. Also, pets are not permitted in parks or other restricted areas. Should a domestic pet become a nuisance to other community members there will be a "three-strike" policy in effect and the property owner will be accountable for any action taken by the E.R.B. to remedy such a situation (which may include removing the nuisance animal from the property).
  - J. Feeding Native Animals – The feeding of native animals and birds on Finca Bellavista is strictly prohibited.
  - K. General Assessments - General assessments will be made as provided herein, and will be made annually for the purpose of maintenance and/or

management of Finca Bellavista. Maintenance and management expenses referred to herein as being included within the scope of general assessments shall include, but not be limited to: the cost and expense of operation, maintenance and management fees and/or salaries; operating expenses and salaries of the Board of Directors of Crested Beauty, S.A.; repairs and replacements; expenses and liabilities incurred by the E.R.B. in and about the enforcement of its rights and duties against Parcel Owners and others, and the creation of reasonable contingencies for reserve requirements for the protection of Parcel Owners for the management, maintenance and repair of Finca Bellavista. All notices of assessments from the E.R.B. to the parcel owners shall designate when they are due and payable. All general assessments shall be a uniform rate for each parcel, and shall be assessed as follows:

- Each Residential Parcel Owner will be assessed a one-time \$500 (five hundred dollars, US) fee at the time of closing, which will be put into a capital reserve fund to be used for infrastructure-related amenities, such as walkways/bridges/common area structures, etc.
  - Each Residential Parcel Owner will also be assessed a nominal annual membership fee to be determined by Crested Beauty, S.A.'s Board of Directors. These fees will be applied in the interest of the common good of the community, being applied to amenities such as: operations of the Crested Beauty, S.A., maintenance of trails/bridges/walkways, security, water supply, etc.
- L. Effect of Non-Payment of Assessments - The Lien, Personal Obligation, and the Remedies of the Board of Directors of Crested Beauty, S.A. If any assessment shall become delinquent, it shall, together with interest thereon and the cost of collection thereof, become a continuing lien on the parcel against which such assessment is made, which lien shall bind such parcel in the hands of Parcel Owner, his or her heirs, devisees, personal representatives and assigns, and shall also be the continuing personal obligation of Parcel Owner against whom the assessment is levied. Payment of yearly assessment shall be due as follows: (1) Payment shall become due at transfer of title for balance of the year ending December 31st on a pro rata basis. (2) All subsequent yearly assessments shall become due and payable each year thereafter on January 1st. Payments shall become delinquent when not paid within thirty (30) days after they become due. Payments not received within terms shall be deemed delinquent and shall be subject to a late fee equal to ten percent (10%) per month of the unpaid assessment and shall bear interest at the maximum amount allowed by law. The Board of Directors of Crested Beauty, S.A. may, at any time thereafter, bring an action to foreclose the lien against said property in like manner as a foreclosure of a mortgage on real property and/or a suit on the personal obligation against the Parcel Owner or Owners. There shall be added to the amount of such assessment the cost of preparing and filing a complaint in such action (including reasonable attorney's fee) and in the event a judgment is

obtained such judgment shall include interest on the assessment as above provided and reasonable attorney's fees to be fixed by the Court, together with the cost of the action.

- M. Subordination to Lien Mortgages - The lien of the assessments for which provision is herein made, as well as in any other Section of this Document, shall be subordinate to the lien of any first mortgage to a bank, commercial entity, life insurance company, federal or state savings and loan association, or real estate investment trust. Such subordination shall apply only to the assessments, which have become due and payable prior to a sale or transfer of such property pursuant to a decree of foreclosure and in any other proceedings in lieu of foreclosure of such mortgage. No sale or transfer shall relieve any parcel, unit or parcel from liability from any assessment thereafter becoming due, nor from the lien of any subsequent assessment. The written opinion of either Parcel Owner or the Board of Directors of Crested Beauty, S.A. that the lien is subordinate to a mortgage shall be dispositive of any question of subordination.
- N. Exempt Property - The Board of Directors of Crested Beauty, S.A. shall have the authority to exempt any of the property subject to this Document from the assessment, charges and lien created herein, provided that such part of the property exempted is used (and as long as it is used) for any part of the following purposes:
  - 1. Any easement or other interest therein dedicated and accepted by the local public authority and devoted to public use.
  - 2. Any of the property exempted from ad valorem taxation by the laws of the Government of Costa Rica, to the extent agreed by the Board of Directors of Crested Beauty, S.A.. Notwithstanding any provisions herein, no land or improvements devoted to dwelling or related use shall be exempt from said assessments, charges of liens.
- O. Indemnification by Parcel Owners of Officers, Directors, Management and Employees of Crested Beauty, S.A. and Members of the E.R.B.:
  - 1. Every officer of the Board of Directors of Crested Beauty, S.A., Director of the Board of Directors of Crested Beauty, S.A, Member of the E.R.B. and employees of Crested Beauty, S.A shall be indemnified by the Parcel Owners against all expenses and liability, including counsel fees, reasonable incurred by or imposed upon him in connection with any proceeding to which he may be a party or in which he may become involved by reason of his being or having been an officer, director or member of the E.R.B. and/or Board of Directors of Crested Beauty, S.A, whether or not he is an officer, director, or member of the E.R.B., Board of Directors of Crested Beauty, S.A or employee at the time such expenses are incurred. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such officer, director or member of

the E.R.B. and Board of Directors of Crested Beauty, S.A may be entitled.

2. Each Parcel Owner acknowledges that their parcel has been purchased "as-is" . Purchaser agrees to release and hold harmless Crested Beauty, S.A, its officers, directors and employees from and against any and all claims, demands, damages, costs and expenses of whatsoever nature or kind, including attorney's fees and costs, arising from any matter relating to Crested Beauty, S.A development at Finca Bellavista, including, without limitation, water level fluctuations of all creeks, wetlands and other causes out of the control of Crested Beauty, S.A.
- P. Remedies for Violation - This Document and the covenants and restrictions contained herein shall run with and bind the Parcel Owner's parcel and shall inure to the benefit of and be enforceable by the Board of Directors of Crested Beauty, S.A, its legal representatives, heirs, successors and assigns. Violation or breach by any Parcel Owner of any covenant, condition, restriction and agreement herein contained shall give the Board of Directors of Crested Beauty, S.A such right of action before any Court of competent jurisdiction in Costa Rica, whether in law or in equity, to compel compliance with the terms of said conditions, within this Document, and to prevent the violation or breach of any of them, and the expense of such litigation shall be borne by the then Parcel Owner or Owners of the property in violation; providing such proceedings results in a finding that such Parcel Owner or Owners, was in violation of this said Document. Expenses of litigation shall include reasonable attorney's fees incurred by Parcel Owner and/or the E.R.B. and/or Board of Directors of Crested Beauty, S.A in seeking such enforcement. The venue for any and all legal actions shall be San Jose, Costa Rica, C.A.

## VII. GENERAL INFORMATION

- A. Notices - Any notice required to be delivered to any Parcel Owner under the provisions of this Document shall be deemed to have been properly delivered when emailed or mailed out, postpaid, to the last known address of the person who appears as Parcel Owner on the records of the E.R.B. at the time of such mailing.
- B. Usage - Whenever used, the singular shall include the plural and the singular, and the use of any gender shall include all genders.
- C. Successors and Assigns - The successors and assigns of Parcel Owner's ownership interest in the real estate described herein, shall succeed to all of the rights and duties of Parcel Owner herein set forth. In addition, Parcel Owner at any time or from time to time may appoint any person, firm or entity of its choosing to succeed to its rights and duties herein, said appointment to be effective by filing written notice thereof in the office of the Government of Costa Rica official responsible for recording

changes in real estate ownership; in the same manner Parcel Owner may revoke said appointment.

- D. Amendments and/or Revisions to these Eco-Guidelines - These Eco-Guidelines may be amended and/or revised by the Directors of Crested Beauty, S.A at any time without notice and shall be binding on all present and future Parcel Owners at the date of the enactment of the amendment or revision. Any amendment and/or revision enacted in these Eco-Guidelines will be published in the Crested Beauty, S.A website, [www.fincabellavista.net](http://www.fincabellavista.net).
- E. Entire Agreement - Any current or prior agreement, representations, understandings and oral statements, including but not limited to renderings or representations contained in sales brochures, all Crested Beauty, S.A websites, advertising or sales materials and oral statements of sales representatives, if not expressed in these Eco-Guidelines or the Environmental Compliance Plan, are void and have no effect. Purchaser acknowledges and agrees that purchaser has not relied on any such items.