

Date: October 31, 2007

To: Creekside at Vinings Homeowners

From: Creekside at Vinings HOA Board of Directors

Subject: Parking Notice

Dear Homeowner,

Despite the efforts of your Homeowner's Association, parking continues to be an issue within our community. Based on the clear language of Article 7.4 of the Covenants (page 16), no parking is allowed on the streets and/or common areas of the subdivision. As a Board, we have tried to be fair and accommodating, and yet enforce our Association's Covenants. However, to the detriment of all, many residents continue to abuse our generous warning system, created to prevent towing the cars of both homeowners and their guests. **Accordingly, any vehicle parked on the street and/or common area is subject to be towed immediately and without warning.** Please understand that our Covenants apply, not only to all residents of Creekside at Vinings HOA, but our guests as well. Article 12.3 states that all provisions of the Declarations shall also apply to all guests and invitees of owners and occupants. Basically speaking, no one is allowed to park on the streets of Creekside at Vinings for any reason.

As part of a metropolitan area experiencing unbelievable growth, developers tend to build multiple luxury homes in very small spaces. This building pattern gives homeowners more "bang for their buck" in terms of square footage, but the neighborhood often tightly packed, and the streets not wide enough to allow street parking. Therefore, many neighborhood covenants, like ours, are written disallowing street parking within the community.

Our property manager conducted extensive research on this issue and the findings have prompted this letter to the community. The basic fact is as follows: According to Cobb County and the City of Smyrna, when parking a car on the side of the road, there must be 20 feet from the outside of the vehicle to the curb on the other side of the street. Should this situation not exist, than no parking is allowed. The Association's legal counsel, who drafted the Covenant, said that it was drafted in strict compliance with Cobb County and the City of Smyrna codes and ordinances. Thus, the Covenants cannot be amended without county approval, and the county will not approve street parking on streets that would be too narrow to accommodate emergency vehicle traffic. Cobb County explained that the standard "twenty-foot-rule" in detail and deferred us to the City of Smyrna, which enforces the codes. The Deputy Fire Marshall spent about thirty minutes explaining why the twenty-foot rule is in effect. The rules are in effect to protect the lives of people in communities such as ours. If a resident (or guest) parks a car on the side of the street and a fire or other emergency occurs, the fire department must be able to access the street, park wherever it needs to, and still leave room for other emergency vehicles, such as ambulances,

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police cars, or rescue units. Furthermore, if a parked car inhibits this process and a resident loses property or even a life because the emergency vehicles could not get through, then the Association could be held liable for not enforcing the Covenants more strictly. Thus, this strict no parking policy benefits each of us individually because it ensures that necessary emergency vehicles and personnel will get to us and our homes; but it also benefits the Association as a whole because it protects us from potential exposure to lawsuits.

Accordingly, as of this date, no parking will be allowed on the streets of Creekside/Villas per written covenants and laws of the City of Smyrna. This pronouncement is not a change in our previous policy, but what has changed is that **the HOA will no longer give warnings**. If your car is seen parked on the side of the street and/or common areas we will contact the towing company to remove it immediately. **Homeowners will be responsible for all costs relating to towing**. We realize this is an inconvenience, but prevention of loss of personal property and life itself far outweighs any inconvenience.

Parking is allowed in the designated parking areas, which include the spaces provided by your garage and driveway and the visitor's spaces (for visitors only) outside the former model home.

We urge you to give the no parking rule your utmost priority to avoid any disastrous consequences or the inconvenience of having your vehicle towed. We thank you for your cooperation and understanding of this situation.

Should you have any questions and/or concerns or would like to report a parking infraction please feel free to contact our Property Manager, Iraci de Queiroz, at iqueiroz@cma-atlanta.com or at 404*352*5470 x 82.

Sincerely,

Iraci de Queiroz
Property Manager,
(Agent for Creekside at Vinings HOA)