

Pinehills Landowners Association, Inc.

**Guide to Selling or Transferring Your
Residential Property at The Pinehills**

Version 1.0-30August2005

When you decide to sell your residential property at The Pinehills, there are certain requirements that you must follow which are generally specified in the Declaration of Covenants, Conditions and Restrictions for The Pinehills (the "Declaration") and in the Supplemental Declaration of Covenants, Conditions and Restrictions for the District in which your home is located (the "Supplemental Declaration"), collectively the "CCRs". This *"Guide to Selling or Transferring Residential Property at The Pinehills"* (the "Guide"), being provided to you by the Pinehills Landowners Association, Inc. (the "Landowners Association"), summarizes for you the steps you must follow when selling your home. We hope that you will find this Guide helpful. If you are selling your home through a third party broker (not Pinehills LLC) we encourage you to provide a copy of this Guide to your broker. If you have any questions concerning the information presented here, please call The Summerhouse at 508-209-9000.

I. Advance Notice of Desire to Sell or Transfer of your Home

Under Article 17 of the Declaration, you must provide Pinehills LLC, as the "Declarant", prior written notice of your intention or desire to sell or transfer your property. This notice must be provided not less than 60 days in advance of the date you intend to list or offer your home for sale.

II. Listing Your Home for Sale with Pinehills LLC

Through October 10, 2020, twenty years from the date of recording of the Declaration, in accordance with Article 17, Pinehills LLC has the non-exclusive right to list your home for sale for a period of sixty (60) days.

Once you have notified Pinehills LLC of your desire to sell your home, a representative of Pinehills LLC will contact you to discuss the listing of your home for sale and provide a market analysis of your home to assist you in determining the appropriate selling price for the property. At the end of the sixty day "non-exclusive" listing period you may elect to continue your listing with Pinehills LLC or terminate the listing and sell your home through an exclusive listing with an outside broker or as a "sale by owner".

In the event of a sale resulting from or through Pinehills LLC, Pinehills LLC will be paid a commission from the sale. In addition, Pinehills LLC will cooperate with outside brokers in the sale of your home in the manner customary for the sale of residential property in Plymouth.

If, prior to October 10, 2020, you sell your home to a third party home buyer without complying with the above notification and non-exclusive listing period, then, in accordance with Article 17, you will still be required to pay to Pinehills LLC an amount equal to the then customary commission rate used by real estate brokers in Plymouth, currently 5% of the total sale price of the home as specified above. However, no such payment is due if you transfer title to your

home to a spouse, child or grandchild. However, you are still required to give notice of any such transfer in accordance with the CCRs.

You may choose to enter into an exclusive listing agreement with Pinehills LLC to sell your home. This exclusive listing agreement will entitle you to additional services to support the sale of your home, including but not limited to listing of your home for sale in the multiple listing service ('MLS'), advertisement of your home for sale in the newspaper(s) and over the internet, open houses, and other external marketing support. However, you are not required to enter into an exclusive listing with Pinehills LLC.

III. Signage

Part of what brings enjoyment and value to living at The Pinehills is the beautiful setting. To that end, the CCRs generally prohibit placing signs, including without limitation, "Home for Sale" signs or brokerage signs anywhere at The Pinehills without the approval of the Pinehills Design Review Committee.

The Pinehills Design Review Committee has established a uniform signage policy for the sale of property within The Pinehills. **This signage policy must be strictly adhered to.** Signs found within the Pinehills which are not in compliance with this policy will be removed and disposed of. Repeated violations of the policy may result in fines being assessed by the Landowners Association against the property owner whose property is being offered for sale and/or the loss of the privilege of having ***any*** signage permitted at the property, including without limitation open house signage.

The Uniform Signage Policy for Sale of Property is as follows:

1. A broker/owner is permitted to place ONE Open House sign directly in front of the home which is hosting the Open House event on the owner(s)'s property. The sign will be the uniform sign designed and approved by Pinehills Design Review. The process for obtaining a sign is described in Section IV of this Guide.
2. Signs may be placed at the foot of the driveway or on the front yard/lawn area. Signs may not be placed in the street. The sign may only be in place during the Open House event and must be removed upon completion of the Open House. To assist visitors to find the home, the broker listing your home should include the directions to the house in your Open House notices.
3. Signs are not permitted to be located anywhere else within The Pinehills, **including, but not limited to:**

- a. At any entrances to The Pinehills, including without limitation, those located off of Clark Road, Beaver Dam Road and Old Sandwich Road;
 - b. At or on streets and roads within The Pinehills;
 - c. At the entrances to the neighborhoods or within any open space areas, trails or buffers, including but not limited to the buffers along Clark Road, Beaver Dam Road or Old Sandwich Road;
 - d. In or on the back yards and rear decks or porches of any homes facing towards the golf courses.
4. In addition to the restrictions and covenants in the Declaration, there are neighborhood (or district) covenants and restrictions in place which may further restrict or prohibit the use of signs. If your neighborhood (district) has more restrictive requirements prohibiting or limiting signage, you must comply with these more restrictive requirements. You should consult directly with your neighborhood (district) association if you have any questions concerning their signage policy.

IV. Uniform Open House Sign and Procedure

A uniform sign will be available to all brokers, or to owners who are offering their home “for sale by owner”. All brokers and/or owners will be required to use the uniform open house “A- Frame” sign. At least two weeks in advance of the Open House event, you (or your broker) must complete and submit the “Open House Sign Request” form, a copy of which is included in **Appendix A**. If you are listing your home through a broker’s office, they must provide a copy of their company logo along with the form. The earlier we receive the request for a sign the better we will be able to accommodate having the sign available for your Open House so we encourage you to submit your request for a sign well in advance of the date you plan to hold the Open House but at least two weeks prior.

The signs will be available at The Summerhouse and must be picked up from The Summerhouse and returned to The Summerhouse the day of the Open House event. The broker or owner taking the sign will be responsible for the sign. If the sign is not returned in good condition (normal wear and tear excepted), the broker or owner will be charged the cost to replace the sign and no new sign will be issued to the broker (including any other broker from the same office) or the owner for any future Open House events, until the amount due is paid in full. The uniform sign will include the name of the broker’s office and logo, if provided with the application requesting the sign, or will indicate “For Sale by Owner”.

Brokers and/or owners must notify the representatives of Pinehills LLC at The Summerhouse or the Landowners Association, when an Open House is scheduled to occur and the location of the property where the Open House will be held. On the day of any Open House, visitors to The Summerhouse will be informed of the Open House and

directed to the location in the same manner that visitors are notified about the location of model homes to visit throughout the community. If an owner is being represented by a broker, only the broker is required to provide notice of the date, time and location of the Open House as set forth above.

V. Completing the Sale or Transfer

Once you have accepted an offer and signed an agreement to sell your home, there are several steps you need to follow to complete the sale of your property:

1. You must provide the person who is buying your home with a copy of the Pinehills Presentation, the white binder you received when you purchased your home which includes a copy of the Declaration and other relevant information concerning an owner's rights and responsibilities when purchasing and owning a home at The Pinehills. You may purchase a copy of The Pinehills Presentation binder from the Landowners Association to provide to your buyer. The cost of the binder covers the expense to the Landowners Association in reproducing the binder.
2. You must also provide the person buying your home with a copy of the applicable District CCR and, if applicable, condominium or other district or neighborhood homeowners association documents.
3. You must be fully up to date on payment of all Landowners Association assessments due and on all utility payments due to the Pinehills Water Company and the Pinehills Private Sewer Treatment Facility LLC for water and sewer services.
4. No later than fourteen (14) days prior to the actual date on which the sale or transfer of the property will be completed (the "Closing Date"), you must provide the Landowners Association with a completed "Notice of Transfer" for the property. The "Notice of Transfer" form is attached in **Appendix A** of this Guide. The Notice of Transfer must be provided for any sale or transfer of ownership for the property, including a transfer that may not involve an actual sale of your property such as a transfer of ownership to a spouse, child or grandchild or transfer into a trust. In accordance with the applicable District CCR and condominium or homeowners association documents, you may also be required to provide notice to your District or neighborhood association.
5. No later than fourteen (14) days prior to the Closing Date, you must provide a completed "Notice of Transfer of Service and Request for Final Bill" for water and sewer services. The "Notice of Transfer of Service and Request for Final Bill" form is attached in **Appendix A**. This request should accompany the Notice of Transfer provided to the Landowners Association. A final meter reading and final bill will be prepared and provided to you (or the closing attorney or broker, as directed by you) no later than the day before the Closing Date. Payment of the final bill must be made at closing by bank check or by the closing attorney's trust fund or

- IOLTA check. Subject to receipt of final payment, the water and sewer accounts will be transferred as of the Closing Date to the new owners.
6. If there is any delay in the Closing Date, please notify the Landowners Association as soon as possible so that the date for final reading and transfer of the water and sewer accounts can be adjusted accordingly.
 7. At the Closing, the new owners must pay to the Landowners Association a capital contribution equal to 1/6 of the then applicable annual assessment for the Landowners Association. An invoice for this capital contribution will be provided to you by the Landowners Association which should be provided by you to the home buyers in advance of the Closing Date. As applicable, a capital contribution may also be required to be paid to a District Landowners Association.

VI. Association Certificates

Once we have received the Notice of Transfer, the following certificates will be provided to you (or on your behalf to the broker or closing attorney, as directed by you) by the Landowners Association:

1. Certificate of Assessment: Provided that you have paid all assessments due through the end of the month in which the sale or transfer of the property is occurring, the Landowners Association (and as applicable the District Association) will provide you with this certificate indicating that no assessments are due through the last day of the month.
2. Certificate of Design Review Compliance: Provided that there are no known violations of any Pinehills Design Review standards, the Landowners Association will provide a certificate indicating that the home which is being sold is in compliance with the Pinehills Design Review standards.
3. Statement: The Landowners Association will provide a statement setting forth the contact information for the association and other relevant information which is to be provided to the new owners by you at the sale of the home.

VII. Closing Documents to be provided to the Association

In accordance with the Declaration of Covenants, Conditions and Restrictions for The Pinehills, a copy of the deed transferring the property to the new owners and a certificate of insurance demonstrating that the new owners have property insurance in place for their new home and naming the Pinehills Landowners Association, Inc., as an additional insured must be provided to the Pinehills Landowners Association following the closing. These documents should be sent to Pinehills Landowners Association, Inc., 33 Summerhouse Drive, Plymouth, MA 02360.

We hope that this Guide will assist you should you decide to sell your home at The Pinehills. Please note that failing to provide the notices and follow the procedures outlined above may result in a delay in your Closing Date or the transfer of accounts. You remain responsible for Association assessments and water and sewer service charges unless and until a proper notice transfer has been received. If you have any questions concerning the information provided in the Guide or the forms attached in Appendix A, please call The Summerhouse at 508-209-9000.

Finally, please remember that in addition to the requirements described in this Guide, you must comply with all federal, state and municipal laws and regulations concerning the transfer of residential property.

Sale/Transfer Outline

Step 1 Notice of Desire to Sell	60 Days Advance Written Notice to Declarant (Pinehills LLC) of desire to sell or transfer property
Step 2 Listing Property for Sale	Non-exclusive listing with Pinehills LLC to sell property for 60 day period
Step 3 Open House	14 Days Advance request for Uniform Sign and 5 days Advance written Notice to Declarant and Association of Open House Event. No signage permitted except during Open House Event per Association policy (subject to additional District restrictions).
Step 4 Pinehills Presentation	Provide copy of Pinehills Presentation and other Association documents to Home Buyer. Request copy from Association if necessary.
Step 5 Advance Notice of Closing	14 Days Advance Written Notice to Association of actual Closing Date/Transfer Date
Step 6 Transfer of Services	14 Days Advance Written Notice of Water and Sewer Transfer and request for Meter Reading and Final Bill
Step 7 Payment of all Assessments	Confirm Payment of all outstanding Association Assessments Due and pay balance due, if any.
Step 8 Association Certificates	Receive Association Certificates and Statement to be provided to Home Buyer(s) at Closing
Step 9 Final Bill and Payment	Receive Final Bill detailing final read and water and sewer charges due. Pay Final Bill at Closing and provide Home Buyer(s) with proof of final bill and payment in full.
Step 10 Association Capital Contribution	Provide Home Buyer(s) at closing invoice for Capital Contribution to be paid to Landowners Association.

Appendix A
Transfer Forms

**Pinehills Landowners Association, Inc.
Notice of Transfer Form – Residential Property**

Property Information

Address:

Town of Plymouth Assessor's Lot No.: _____ **Plat No.** _____

Plan Reference: Plan No. _____ **of** _____ **; Plan Book No.** _____ **, Page** _____

Date of Transfer: _____

Transferor (current owner(s))

Name (s):

Current Address and Telephone Number:

New Address and Telephone Number:

Email Address:

Broker (name and telephone number):

Attorney Contact (name and telephone number): _____

Transferee (new owner(s))

Name(s):

Name(s) by which new owner will take title to the property:

Current Address and Telephone Number:

New Telephone Number (if known):

Email Address:

Broker (name and telephone number):

Attorney Contact (name and telephone number): _____

In accordance with the requirements of the Declaration of Covenants, Conditions and Restrictions for The Pinehills (the "Declaration"), I/we have completed this Notice of Transfer to inform you of the pending sale or transfer of property. I/we also confirm that we have provided to the Transferee a copy of the The Pinehills Presentation, including the Declaration and other Pinehills Governing Documents and a copy of this Transfer notice.

By: _____

By: _____

Date: _____

Date: _____

**Pinehills Landowners Association, Inc
OPEN HOUSE SIGN REQUEST**

(This form may be filled out by the Owner of the property or by the Broker who is representing the Owner in the sale of their property.)

Date of Request:

Property Information

- **Owner's Name:**
- **Address:**
- **Telephone Number:**

_____ : **If home is being offered "For Sale By Owner" please indicate this by placing a check mark here or, if not, writing "N/A" (not applicable) in the space provided.**

Broker Information (if applicable)

- **Name of Broker/Agent:**
- **Telephone Number:** _____, **office;** _____ **cell**
- **Email Address:**
- **Name of Office:**
- **Address of Office:**
- **Telephone Number:**

If the sale is through a broker, please email your company logo to Christine MacDonald, cmacdonald@pinehills.com and allow adequate time in advance of the Open House event for sign preparation - at least two weeks. Requests for signs received with less than two weeks advance notice before an Open House event may not be available for the event.

You need to notify The Summerhouse (508-209-2000) by noon on Thursdays if you're planning an open house at The Pinehills over the weekend, so that we can have your "Open House" signs available for you to pick-up. We will be happy to hand out your listing "beauty sheets" on the day of the open house.

Only one sign is allowed per address and is to be placed in front of the property during the open house hours only.