

## Amendments to the Deed of Restrictions

### Amendment:

#### Section 4.3. - Charges and Fees (August 27, 2019)

##### 4.3.1. New Construction

- 1) Homeowner's Bond – P500,000
- 2) Contractor's Bond – P200,000
- 3) Construction and Security Fee – P27,000

##### 4.3.2. Improvements/Additional Structures

###### 4.3.2.1. Minor Repair (1 month to 3 months work period)

- 1) Homeowner's Bond – P25,000
- 2) Contractor's Bond – P20,000

###### 4.3.2.1. Major Repair (over 3 months work period)

- 1) Homeowner's Bond – P100,000
- 2) Contractor's Bond – P40,000

Bonds are refundable if not used. Construction and Security Fees cover a period of twenty four (24) months only. An additional P5,000.00 per month administrative fee shall be collected in excess of 24 months construction period. Payments for the assessed charges and fees should be made to PFVHAI prior to initial mobilization.

In addition, PFVHAI shall require the owner or contractor to submit a copy of a Contractor's All-Risk (CARI) Policy prior to start of construction.

\* The Association reserves the right to revise the rates from time to time as needed.\*

The Association will not issue its final certification of clearance nor release the construction bond until all of the mentioned requirements have been met and as building plans as well as Occupancy Permit have been submitted. The Association will refund the construction bond without interest to the payer of the said bond if the residential house or all any improvements found thereon is completed 100% (taken to mean completion of the house in accordance with the approved plans and specifications, completely painted, its services, utilities and permanent fixtures finished, installed and ready for immediate use and occupancy).

Without prejudice to PFVHAI's other rights and remedies, it is also agreed that due authorization is given to the PFVHAI to deduct charges, fines, etc. against the construction bond as may be applicable to answer for liabilities as defined herein. Any deduction that PFVHAI may make from the construction bond shall not constitute any waiver of its rights and remedies under this Deed of Restrictions.

### Amendment:

#### Section 3.3.4. - Waste System (December 9, 2019)

OWNER shall construct/provide for a 3-chamber septic vault to service each house unit. Said septic vault must have a minimum design capacity of eight (8) cubic meters and minimum detention time of 36 hours.

Grease traps must be provided by the OWNER for the kitchen and the carport. Grease traps must discharge into the Punta Fuego main sewer system.

Water run-off from the house, storm, area and swimming pool drains, must likewise discharge into the subdivision drainage system through the stub-out connection provided by LPC.

Water run-off from the kitchen, and carport must likewise discharge into the Punta Fuego sewerage line.

Repair costs and/or relocation costs for any drainage, water, road and/or other utilities affected by any house expansion or building of auxiliary structures, shall be for the account of the OWNER.

**Amendment:**

**Section 3.1.1 - Set-backs and Easements (March 2, 2020)**

In line with the resort theme for Punta Fuego, every lot owner is required to provide in his lot an open space for purposes of landscaping, ventilation, and for easement of drainage, sewage, water and other public utilities as maybe necessary and desirable. Such would consist of the following the exterior wall and column for the house including bay windows, and carports shall be subject to the following easements:

- a. For lots size 599 sqm and below, the minimum setback shall be three (3) meters from the property line on the side/s fronting the street and two (2) meters on the side/s facing the adjoining lot line to the nearest finished wall or column or any projection from the side wall or column;
- b. For lots size 600 sqm to 899 sqm, the minimum setback shall be four (4) meters from the property line on the side/s facing the street and three (3) meters on remaining sides;
- c. For lots size 900 sqm or more, the minimum setback shall be five (5) meters from the property line on the side/s facing the street and four (4) meters on the remaining side;

In the case of perimeter lots, especially those fronting the beach and cliff areas, the easement on the side/s fronting the perimeter (beach and cliff areas) is considered to be the same as the easement imposed on the side fronting the street. In the case of thru-lots both sides fronting the street shall have the same building line setback.

Outside edges of roofs and/or eaves, including the porte cochere or canopy must have the following roofline setbacks:

- a. For lots sized 599 sqm and below, the roofline setback must be at least one and one half (1 ½) meters from the property line fronting a street and one (1) meter from the property line not fronting the street.
- b. For lots with area of 600 sqm to 899 sqm, the roofline setback will be set at two (2) meters from the property line fronting a street and one and one half (1 ½) meters on the side/s facing the adjoining lot line.
- c. For lots sized at 900 sqm and above, the minimum roofline setback shall be two and one half (2 ½) meters from the property line fronting a street and two (2) meters on the remaining sides.

In the case of perimeter lots, the roofline setback on the side fronting the perimeter shall be the same as the setback imposed on the side fronting the street. In the case of thru-lots, both sides fronting the street shall have the same roofline setback.

Cantilevered balconies located on the side/s fronting a street and/or another property should conform with the building line setback. On the side/s fronting the perimeter (beach and cliff areas) may have a setback equivalent to two-thirds (2/3) of the prescribed building line setback.

Special restrictions on setbacks and easements shall be imposed on the following areas:

- a. For lots located along Road 1, with an area of 599 sm. and below, an additional one (1) meter easement shall be imposed on the side fronting the street. Moreover, a one half (1/2) meter roofline setback shall be added on the existing roofline setback on the side fronting the street;
- b. For lots located at the Crescent Beach (Maniba) area, specifically Block 1 Lots 1,2,3; and Block 2 Lot 2 to 8, a zero (0) lot line shall be imposed on the side facing the mangrove forest.

If two or more lots are consolidated, the stipulated easements and roofline setbacks of the resulting consolidated area shall apply. The OWNER, lessee or representative shall permit access thereto by the authorized representatives of LPC or PFVHAI, or public utility entities concerned for the purpose of which the easement is created (be it construct, repair, replace, improve or maintain the utility systems).

#### **Amendment:**

##### **Section 3.2.5 - Building Plans (March 2, 2020)**

All house and building plans and specifications, whether original, revised, amendatory or additional including the corresponding location and landscaping plans, must first be expressly approved by PFVHAI thirty (30) days prior to the start of construction.

LPC and/or PFVHAI has the right to refuse entry of materials in the subdivision, to order stoppage/suspension of the construction works, or if construction has been completed, to order removal of the structures at the expense of the OWNER without the necessity of court order and without any criminal and/or civil liability whatsoever on the part of the company, its officers and employees, if plans and specifications do not conform with the parameters set by LPC and/or PFVHAI, if construction is not in consonance with the approved plans, if construction begins prior to approval by LPC and/or PFVHAI.

Further, if a violation has been committed due to the deviation on the approved plans, the contractor and/or the architect will be blacklisted to construct and/or design in the village. Thus, property owners with the intent to construct must first coordinate with the Association prior to engaging with an Architect/Design Firm and Contractor for the proposed house or structure.

#### **Schedule of Fines and Penalties**

##### **Constructing additional structure without PFVHAI approval**

\*1<sup>st</sup> Offense – P50,000

\*2<sup>nd</sup> Offense – P75,000

\*\*3<sup>rd</sup> and Succeeding Offense – P100,000

\* Immediate stoppage of work; resumption of work upon issuance of permit

\*\* Contractor & Designer will be blacklisted for the next project

##### **Issuance of a different construction plans or deviation on the approved plans without the approval of PFVHAI**

\*1<sup>st</sup> Offense – P50,000

\*2<sup>nd</sup> Offense – P75,000

\*\*3<sup>rd</sup> and Succeeding Offense – P100,000

\* Immediate stoppage of work; resumption of work upon issuance of permit

\*\* Contractor & Designer will be blacklisted for the next project

**Amendment:**

**Section 3.2.4. - Driveway (January 30, 2021)**

No vehicular entrances or exits shall be allowed at any street intersections. Driveways should not be situated affecting any utility equipment, drainage inlets and other village fixtures.

To maximize the use of the sidewalk, the surface of the sidewalk and the driveway shall as much as possible, be at the same plane. However, should the breaking of the sidewalk be inevitable, the entry ramp of the driveway should not protrude over the sidewalk. The sidewalk should be restored in concrete cement finish and must have a clear delineation between the parking area.

Easements are recommended to have a landscape treatment or have a concrete cement finish for easy restoration and access to perform any remedial or maintenance action on any utility lines such as drainage, sewage, water, electrical and other public utilities. For any maintenance activities, the restoration of the easement will be limited to basic concreting works and/or landscaping. Restoration of any other architectural outdoor floor surfaces such as but not limited to tiles, pebble washout, stamp concrete and rubber flooring, shall be to the account of the owner.

Driveway aprons should not be used as part of the parking area. The owner should ensure that the driveway has sufficient depth that vehicles to be parked will not project to the easement and the sidewalk.

LPC and/or PFVHAI shall have a perpetual right-of-way easement over all the roads and sidewalks, including those portions that form part of the driveways, for the purpose of maintaining the utilities and common areas.

LPC and/or PFVHAI may designate the driveway location of any lot in consideration of traffic flow, landscape master plan and engineering design plans.

**Amendment:**

**Section 3.2.10. - Auxiliary Structure (March 27, 2021)**

Trellises (wood or non-combustible) without any vertical support must conform to the roofline setback requirements. These must not be enclosed with roofs and walls extending down to the finished construction line or up to the property line. Columns and support must follow the building line setback.

All other auxiliary structures including but not limited to gazebos, quarters, and playhouses, should follow the building line and roofline setback as specified in Section 3.1.3 on setbacks and easements.

Pools below grade shall follow the prescribed building line setback on side/s facing a street. The remaining sides may have a minimum of two-meter (2m) setback provided that the walls should not protrude the allowable fill height of one (1) meter as specified in 3.2.3, otherwise the building line setback shall be observed.

Cantilevered pools shall follow the same setback requirements as of a cantilevered balcony as specified in Section 3.1.3.