

## 9.2 COMPLIANCE DEPOSIT AGREEMENT

### 9.2.1 New Construction (Exhibit B)

Hilton Head Plantation Property Owners' Association  
Architectural Review Board  
P.O. Box 21940  
Hilton Head Island, SC 29925

#### COMPLIANCE DEPOSIT AGREEMENT FOR NEW CONSTRUCTION IN HILTON HEAD PLANTATION

It is agreed by the undersigned that a Five Thousand Dollar (\$5,000.00) Deposit will be made out to TD Bank and will be given to Hilton Head Plantation Property Owners' Association ARB to ensure that the a landscaping plan for Lot # \_\_\_\_\_ on \_\_\_\_\_ will be submitted to the Architectural Review Board together with the house plan for final review approval and that the house will be constructed and finished in accordance with the plans approved by the Architectural Review Board. This deposit is also the property owner's guarantee of compliance with all Guidelines and regulations regarding drainage, construction, tree removal, placement of portable toilets, refuse containers, and maintaining a trash and litter free construction site. Failure to comply may result in fines levied against the deposit, or possibly, forfeiture of the entire deposit.

It is further agreed that this \$5,000.00 Deposit will be held in an interest bearing account at TD BANK, 401 William Hilton Partway, Hilton Head Island. This deposit will be refunded, with interest, less any fines imposed, to the undersigned after all conditions and approvals are fulfilled, to include completion of all work within 90 days of receipt of Certificate of Occupancy from the Town of Hilton Head Island or within one (1) year of construction, whichever occurs first.

**PLEASE NOTE:**

- 1) Upon written request, and for compelling reasons only, the Architectural Review Board may grant an extension.
- 2) Landscaping without an approved plan, including the addition of excessive fill, may result in forfeiture of a part, or all, of the deposit. Building not in accordance with approved plans (construction and finishes) may result in forfeiture of the entire deposit. Failure to complete the exterior of the house within one year after the issuance of the Hilton Head Plantation Building Permit may result in fine to the property owners for each day the construction is not complete until the approved final compliance inspection date.
- 3) The occupancy of a house prior to the final compliance inspection may result in a fine to the property owner for each day until the approved final compliance inspection date.
- 4) The Hilton Head Plantation Class "A" Residential Land Use Restrictions Protective Covenants Building Standards together with the HHPPOA Architectural Guidelines and Review Procedures are the controlling documents governing all construction activity in the Plantation.

**ACCEPTED BY:** \_\_\_\_\_  
(Property Owner's Signature)

**DATE:** \_\_\_\_\_

**PLEASE TYPE OR CLEARLY PRINT THE FOLLOWING INFORMATION:**

**PROPERTY OWNER'S NAMES:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

**CITY/STATE/ZIP CODE:** \_\_\_\_\_

**TELEPHONE:** \_\_\_\_\_

**SOCIAL SECURITY NUMBER:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**Note: A Social Security number must be provided to establish an escrow account.**

## 9.2.3 W-9 Form Required (Exhibit B-2)

<p>Form <b>W-9</b> (Rev. November 1999) Department of the Treasury Internal Revenue Service</p>	<h3>Request for Taxpayer Identification Number and Certification</h3>	<p>Give form to the requester. Do NOT send to the IRS.</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Please print or type</p>	Name (If a joint account or you changed your name, see Specific Instructions on page 2.)	
	Business name, if different from above. (See Specific Instructions on page 2.)	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶	
	Address (number, street, and apt. or suite no.)	
	City, state, and ZIP code	Requester's name and address (optional)
<b>Part I Taxpayer Identification Number (TIN)</b> Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, if you are a resident alien OR a sole proprietor, see the instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see <b>How to get a TIN</b> on page 2. Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.		List account number(s) here (optional)
Social security number _____ OR Employer identification number _____		<b>Part II For Payees Exempt From Backup Withholding</b> (See the instructions on page 2.)
<b>Part III Certification</b> Under penalties of perjury, I certify that:		
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.		
Certification Instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 2.)		
* Sign Here	Signature ▶	Date ▶
<p><b>Purpose of form.</b> A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.</p> <p>Use Form W-9, if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:</p> <ol style="list-style-type: none"> <li>1. Certify the TIN you are giving is correct (or you are waiting for a number to be issued),</li> <li>2. Certify you are not subject to backup withholding, or</li> <li>3. Claim exemption from backup withholding if you are an exempt payee.</li> </ol> <p>If you are a foreign person, IRS prefers you use a Form W-8 (certificate of foreign status). After December 31, 2000, foreign persons must use an appropriate Form W-8.</p> <p>Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.</p>		
<p><b>What is backup withholding?</b> Persons making certain payments to you must withhold and pay to the IRS 31% of such payments under certain conditions. This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.</p> <p>If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:</p> <ol style="list-style-type: none"> <li>1. You do not furnish your TIN to the requester, or</li> <li>2. You do not certify your TIN when required (see the Part III instructions on page 2 for details), or</li> <li>3. The IRS tells the requester that you furnished an incorrect TIN, or</li> <li>4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or</li> </ol>		
<ol style="list-style-type: none"> <li>5. You do not certify to the requester that you are not subject to backup withholding under 3 above (for reportable interest and dividend accounts opened after 1983 only).</li> </ol> <p>Certain payees and payments are exempt from backup withholding. See the Part II instructions and the separate Instructions for the Requester of Form W-9.</p> <p><b>Penalties</b></p> <p><b>Failure to furnish TIN.</b> If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.</p> <p><b>Civil penalty for false information with respect to withholding.</b> If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.</p> <p><b>Criminal penalty for falsifying information.</b> Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.</p> <p><b>Misuse of TINs.</b> If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.</p>		

Cat. No. 10231X

Form W-9 (Rev. 11-99)

**9.0 APPENDIX: SAMPLE FORMS**

**9.1 LETTER OF ACKNOWLEDGMENT (EXHIBIT A)**

Hilton Head Plantation Property Owners’ Association  
Architectural Review Board  
P.O. Box 21940  
Hilton Head Island, SC 29925

**LETTER OF ACKNOWLEDGEMENT**

This acknowledges that I have received a copy of the Hilton Head Plantation Class “A” Residential Land Use Restrictions Protective Covenants Building Standards, Amended and Restated Declaration of Covenants and Restrictions, By-Laws of Hilton Head Plantation Property Owners’ Association and the HHPPOA Architectural Guidelines and Review Procedures for building in Hilton Head Plantation and that I will abide by them.

I understand that I cannot make any exterior alteration or change of an approved plan to my home such as trim, siding, shingles, stain, fences, driveway and/or walk location, shutters, doors, windows, rooms, garage, trellis, outdoor lighting, etc. and/or changes to an approved landscape plan without prior submission of a written request for the change(s) to the Architectural Review Board, and written approval received.

Further, if I do violate written approved plans, I hereby grant authorization in accordance with the Covenants to Hilton Head Plantation Property Owners’ Association to have ingress/egress to below described property to correct whatever construction, paving, planting, etc. that was done without written approval of The Architectural Review Board.

I have also read, understand and will abide by the fee schedule for ARB submittals and the schedule of fines as stipulated in the Guidelines.

Further, I agree to pay any expenses to modify any exterior changes for which I do not have written approval. I will hold the Hilton Head Plantation Property Owners’ Association harmless for such action.

**Agreed:**

\_\_\_\_\_  
\_\_\_\_\_  
(Property Owners’ Signatures)

**Lot Number/Street:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

**9.3 DRAINAGE AND TREE COMPLIANCE AGREEMENT (EXHIBIT C)**

Hilton Head Plantation Property Owners' Association  
Architectural Review Board  
P.O. Box 21940  
Hilton Head Island, SC 29925

**DRAINAGE AND TREE COMPLIANCE AGREEMENT**

**DRAINAGE**

It is every owner's responsibility to direct drainage away from the dwelling and adjoining private property in a manner that conforms to the master drainage system for the Plantation subdivision in which the property is located. This will normally be toward the street or the adjacent common area (drainage). For these reasons, it is the property owner's responsibility to employ the services of a registered professional to design the drainage plan. Special consideration should be given to establishing appropriate building site elevations for foundations, sub-surface drainage, establishment of final grades, and installation of gutters. Please note that a final grade inspection/approval is required after construction and before any landscaping can begin. The General Contractor and Drainage Designer are responsible for final grade drainage.

**TREE REMOVAL**

Property owners are advised that trees larger than three inches (3") in diameter measured 24" above ground may not be removed without approval of the Architectural Review Board. When site plans are approved, the tree and topographic survey indicates which trees may be removed and are usually only those necessary to locate the house, patio, and driveway. Once the site plan is approved and throughout all of the construction phase, no other tree may be removed without further request to and approval of the ARB Administrator. Any unauthorized tree removal may result in a fine and the necessity of replacement landscaping.

**I understand the above requirements and I agree to comply with proper drainage and tree removal from my property.**

**Agreed:**

\_\_\_\_\_  
(Property Owners' Signature)

**Lot Number/Street:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_

**9.7 APPLICATION FOR MAILBOX NAMEPLATE (EXHIBIT G)**

**Please provide name for the nameplate on your mailbox**

**There are 28 available Spaces**

**NAME:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**Please return with the completed and signed compliance agreements.**



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March 31, 2014

To Whom It May Concern:

In an effort to deter and prevent money laundering and terrorist financing within the United States, the Department of Treasury is enforcing legislation known as the USA Patriot Act. This legislation was approved by Congress on October 26, 2001, as a direct result of the terrorist incidents of September 11, 2001. Backed by the Treasury Department's continued efforts to curb terrorist activities and financing within the United States, Section 326 of the USA Patriot Act requires all financial institutions to implement a Customer Identification Program no later than October 1, 2013. While each Customer Identification Program may differ from bank to bank, the primary object of preventing terrorists from acquiring funding channels within the US and obtaining financing for their activities remain a constant with all financial institutions.

Effective October 1, 2003, TD Bank will implement its Customer Identification Program as required by the USA Patriot Act.

The Customer Identification Program requires that sufficient information is obtained prior to opening an account or extending credit to verify the identity of each customer seeking to establish a formal banking relationship with TD Bank. The main requirements of the Customer Identification Program are:

**Obtain certain identifying information for each customer including legal name, physical street address, date of birth (for individuals) and either a social security number, employer identification number or individual identification number.**

**Verify the identity of each customer through acceptable forms of identification.**

Compliance with Section 326 of the USA Patriot Act is not an option, it is mandatory.

Thank you,

Donna Semken