

CORNERSTONE AGE RESTRICTION POLICIES AND PROCEDURES

WHEREAS, Sartain Associates, Inc., a Mississippi Corporation, is the Owner of the property described in Exhibit "A" attached hereto located in Madison County, Mississippi and is developing an age restricted community thereon known as Cornerstone; and

WHEREAS, Sartain Associates, Inc. has developed the following Age Restriction Policies and Procedures which shall be enforced by the Cornerstone Home Owners Association, Inc. as described in the Declaration of Covenants, Conditions and Restrictions for Cornerstone.

NOW THEREFORE, Sartain Associates, Inc. declares that the property described in Exhibit "A" shall be held, transferred, sold, conveyed and occupied subject to the following Age Restriction Policies and Procedures.

HOUSING FOR OLDER PERSONS ACT OF 1995(HOPA)

- A. Compliance with Fair Housing Act: **CORNERSTONE** is intended and will be operated to provide housing primarily for persons 55 years of age and older.
- B. Meanings conform to the Declaration or Laws as appropriate.
- C. **AGE RESTRICTED COMMUNITY**: A minimum of 80% of all occupied units shall be occupied by at least one (1) person who is 55 years of age or older. Residence and residents shall have the same meaning as occupied unit(s) as that term is defined in 24 C.F.R. 100.305(b). Occupied by at least one (1) person 55 years of age and older means at least one occupant of the dwelling unit is 55 years of age or older and if the dwelling unit is temporarily vacant, at least one of the occupants immediately prior to the date on which the unit was temporarily vacated was 55 years of age or older.
- D. **80/20 RULE** (24 C.F.R. 100.305). HOPA requires that no less than 80% of the occupied unit(s) shall be occupied by at least one (1) age qualified person. This does not mean that 20% must be occupied by non-age qualified persons. It means as long as 80% of the dwelling units are occupied by at least one(1) age qualified person **CORNERSTONE** maintains its exemption under HOPA as a 55 year of age restricted community. The policy of **CORNERSTONE** is to maintain the percentage of age qualified occupancy as close to 100% as possible, without mandating a greater percentage than the minimum 80% required by HOPA.
- E. No one under the age of Nineteen (19) may reside in any occupied unit for longer than 90 days in a Calendar year and then only if a person aged 55 year or older is occupying a residence at the same time. Persons 19 years and older may reside in **CORNERSTONE** as long as there is at least 1 age qualified occupant in the dwelling unit.

- F. OCCUPANCY EXCEPTIONS. The policy of CORNERSTONE Home Owners Association is not to permit under age occupancy in any dwelling unit. The only exceptions to the 55 year age requirement are as follows:
- 1a. for the non-age qualifying spouse or co-habitant of an age qualified decedent owner or surviving party to a civil union with an age qualified decedent owner who: has an ownership interest in the dwelling unit at the time the owner dies, is over 45 and who occupied the dwelling unit at least one (1) year prior to the age qualified owner's death; or
 - 1b. the non-age qualified child of an age qualified owner who: has an ownership interest in the dwelling unit at the time the qualified owner dies, is over the age of 45, and who has lived in the dwelling for at least one(1)year prior to the age qualified owners death.
 - 1c. the exceptions set forth above shall expire upon occupancy of the unit by one or more other non-age qualified persons if there is no age qualified person residing in the dwelling unit. Examples include, but are not limited to, the following: a non-age qualified spouse, co-habitant or party to a civil union of an age qualified decedent who remarries or enters into a civil union with a non-age qualified person, a non-age qualified co-habitant or surviving party of a civil union of an age qualified decedent who co-habits with a non-age qualified person, or the child of the age-qualified descendant who marries or co-habits or enters into a civil union with a non-age qualified person.
 - 1d. **No exception to the residency restrictions may be granted or continued if such exception results in less than eighty (80%) of the occupied dwellings by at least one age qualifying resident.**
 - 1e. There is no exception for other non-age qualified heirs or any other non-age qualified persons who come into possession of a dwelling unit in **CORNERSTONE**.
- I. DISCLOSURE OF 55 AGE Restriction policy
- A. Any owner who sells or leases real property in **CORNERSTONE** shall disclose in the advertisements, purchase or lease documents that **CORNERSTONE** is a 55 year age restricted community under HOPA. If a Real Estate agent/Broker is selling or leasing the owner's dwelling unit, the owner shall ensure that the disclosure as required in this policy is made by the real estate agent / broker. In the case of a lease of real property in **CORNERSTONE**, lessor shall have completed and submitted all required rental documents to the Home Owners Association Board of Directors, the Home Owners Management Company per rental rules and Regulations and the lease agreement shall verify at least one occupant is age qualified by specific current age or date of birth recorded in the lease agreement and the age qualified occupant shall be obligated to provide age verification as provided for in the Association's Age Verification Policy.
 - B. A copy of these **CORNERSTONE** Policy and Procedures Guidelines shall be provided by every owner/seller/lessor to any prospective buyer or lessee to read and acknowledge. This document is to be included as part of the Purchase or Lease documents.
 - C. Signage as per **CORNERSTONE** design will be placed at the entrance to **CORNERSTONE**: stating *"a community of persons 55 and older."*

- D. Any advertising, including but not limited to, printed publications, digital advertising, for sale or Lease signs, and websites describing and or attracting prospective buyers to **CORNERSTONE** shall state: "***A 55 year age restricted community***".

II. AGE VERIFICATION (24 CFR 100.307)

- A. All residents, whether owners, renters, or house guests of absentee owners must show evidence that at least one (1) resident in the occupied dwelling unit is age qualified. Any of the following documents are considered reliable documentation of age of the qualified occupant.
 - a. Driver's License
 - b. Birth Certificate
 - c. Passport
 - d. Immigration card
 - e. Military identification
 - f. Any other state, local, national or international official document containing a birth date of comparable reliability
 - g. A certification is a lease application, affidavit or other document signed by any member of the age of 19 or older asserting that at least one(1) person in the unit is 55 years of age or older.
- B. Such evidence must be shown at the time the owner or renter accept title and or occupancy and must come to the Association offices to obtain the mandatory Association membership card which confirms age compliance with HOPA.
- C. If the occupants of a dwelling refuse to comply with the age verification procedures, the Association may, if it has sufficient evidence, consider the unit to be occupied by at least one(1) person 55 years or older; such evidence may include
 - a. Government records or documents such as local household census.
 - b. Prior forms or applications
 - c. A Statement from an individual who has personal knowledge of the age of the occupants. The statement must set forth the basis for such knowledge ad be signed under penalty of perjury.

III. Surveys for compliance

- A. **CORNERSTONE** Home Owners Association or Homeowners Management Company will conduct surveys at least every two (2)years and maintain data base to verify age compliance as required by HOPA. All residents of **CORNERSTONE** are required to respond to the survey.
- B. Copies of age verification surveys may be segregated in a separate file and are considered confidential and not generally available for public inspection. They are created for the sole purpose of complying with HOPA.

- IV. Enforcement: The Association shall enforce the policy and procedures of this Declaration through all of the rights and remedies available to it pursuant to this Declaration, including, but not limited to the right to levy fines and liens.

This ____ day of _____, 20__.

Declarant:

Sartain Associates Inc.
A Mississippi Corporation

By: Brian Sartain
Its: President

**STATE OF MISSISSIPPI
COUNTY OF MADISON**

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this ____ day of _____, 20__, within my jurisdiction, the within named **Brian H. Sartain** who acknowledged that he is **President of Sartain Associates, Inc., a Mississippi Corporation**, and that for and on behalf of the said corporation, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said corporation so to do.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

(SEAL)

ACKNOWLEDGEMENT OF AGE QUALIFIED OCCUPANCY

THE UNDERSIGNED (buyer) (lessor) has read the Cornerstone Age Restriction Policy and Procedures and asserts that at least one (1) occupant of the dwelling unit being purchased or leased herein shall be at least fifty-five(55) years of age.

Address of dwelling unit _____

1. Printed name of Occupant _____

Signature _____

Date of Birth _____

2. Printed Name of occupant _____

Signature _____

Date of Birth _____

Witness our signatures this _____ day of _____ 20____.
