

BALLOT FOR 7th AMENDMENT TO DECLARATION of CONVENANTS AND RESTRICTIONS

Note To Owners: In order for the 7th Amendment to the Declaration of Covenants and Restrictions to comply with the requirements of the Declaration at Article VII, Section 7.2(a), the 7th Amendment will require approved by not less than seventy-five percent (75%) of the Owners to carry. The 7th Amendment shall not be effective until recorded in the Office of the Register of Deeds of Adams County.

Please vote for each section separately. When completed, please place ballot in the small envelop marked ballot. Ballots will publically be counted on April 18, 2020. Results will be posted on the website and will be included in the annual meeting packets.

Article III, 3.1 Single Dwelling shall be amended to read as follows:

YES, I vote for this section

NO, I vote against this section

No building or structure shall be constructed upon a Lot other than a single family residence and a garage and/or storage building, and no Lot shall be used for other than residential purposes. Each Lot must include a single family residence before a garage or storage building is constructed; Lots may not have just a garage or outbuilding constructed on them. If a Lot Owner owns more than one Lot adjacent to each other, the Lot Owner may build a garage/storage building on one Lot, as long as there is a single family residence on the other, and the two adjoining Lots must be sold together going forward.

Purpose: Restrict commercial buildings, structures and combined garage and residential dwellings. The intention is to prohibit people living in non-residential buildings. This is a residential community of HOMES, not sheds and commercial looking buildings.

Pros: Prohibit people from living in sheds, garages, or outbuildings.

Cons: Restricts the sale of adjoining lots and use of vacant lots.

Article III , 3.3 No Mobile Homes; Prohibited Structures shall be amended to read as follows:

YES, I vote for this section

NO, I vote against this section

No mobile homes shall be used as a permanent residence. No non-permanent shelters, including but not limited to those made with pvc, tubing structural components, e.g. hoop structures and temporary parking shelters, as well as temporary structures made from tarp, fabric, cloth or other non-sturdy materials, makeshift lean-tos, unattached garages with living quarters, or year-round snow fences shall be allowed. Any Lot Owner wishing to construct a garage, shed, fence, outbuilding, or any permanent structure on his or her Lot, and any Lot Owner wishing to change the exterior appearance of the existing structures on his or her Lot in any manner, should make every attempt to match design and materials and look of other conforming neighboring properties that match the woodland setting of Lakewood community. Community member should refer to the entirety of established covenants prior to applying for any and all building permits from the Town of Strongs Prairie (refer to 3.4 of the original Lakewood POA covenants). The Board reserves the right to exercise reasonable bias to maintain conventions within the community to support the sustained growth of surrounding property values and may act to enforce the preservation of Lakewood property values when certain residential dwellings, garages, sheds, temporary or permanent attachments fall into disrepair or alterations of improved property exteriors fall outside the margin of a reasonable woodland residential exterior, when compared to conforming neighboring existing Lakewood residential dwellings. Every reasonable attempt will be made to communicate to homeowners when their property improvements fall outside of the Lakewood POA covenants.

(a) Fences. Fences made of chicken wire, barbed wir, or snow fence materials are strictly prohibited. Fence materials should conform to the colors, materials, style, and the surrounding landscape of the primary residence and

neighboring Lakewood residential dwellings. Fences should conform to the standards from the Town of Strongs Prairie, and must be permitted prior to construction.

(b) Garages and storage spaces must be a maximum of 1200 sq.ft. and must abide by setback and easements as required by the Town of Strongs Prairie. No living quarters may be built or maintained in an unattached garage. Plans for any garage or storage building should be approved in advance by the Town of Strongs Prairie. Storage building enclosures must be integral to the building, not temporary or canvas tarp or other temporary material. Materials for outbuildings should conform to the colors, materials, style, of the surrounding landscape, primary residence and Lakewood residential dwellings.

Purpose: Increase the current size for garages, but limit enormous 2 story metal structures that deter from the aesthetic of the neighborhood.

Pros: Allow property owners larger garages than the “one or two car garage” permitted in the original Lakewood POA bylaws, covenants and restrictions.

Cons: Limit the size of a garage to 1200 sq.ft.

Article III, Section 3.4 shall be created to read as follows:

Temporary Structures; Vehicles Prohibited

___ YES, I vote for this section

___ NO, I vote against this section

No Abandoned Vehicles; Temporary Structures; Vehicles Prohibited. No abandoned motor vehicle shall be permitted to be kept upon any lot subject to these declarations. Said vehicle shall be deemed abandoned if it is unlicensed for a period of at least 30 days and remains unlicensed on said lot for a total of at least 30 days within any 365 day period. No temporary structure or vehicles described herein, including any trailer, motor home, semi, car or truck, boat, mobile home, tent, shack, garage, barn or other outbuilding, shall be used on any Lot for temporary or permanent housing, sleeping or other residential purposes, with the exception of seasonal camping and personal vacation use. No vehicle shall be stored or parked on said lot unless having current registration and license as required and in working order. Only the single family residence constructed on a Lot may be used for sleeping or other residential purposes. Registered Recreational Vehicles (RV), motor homes and trailers can be stored on the property but must be removed from property for at least 7 days every year. They cannot be parked on the road or culde-sac and must be more than 10 feet from property lines. Manufactured homes are allowed as long as they are placed on a foundation.

Purpose: Prohibit anyone from placing a mobile home (trailer house) for a dwelling unit.

Pros: Protect Lakewood property values.

Cons: N/A

Article III 3.5 shall be created to read as follows:

Rentals/Leasing Prohibited

___ YES, I vote for this section

___ NO, I vote against this section

No Lot, nor any improvements thereon, may be rented or leased at any time. Lots must be owner-occupied (the “Owner Occupancy Requirement”). For purposes of this section, the Owner Occupancy Requirement will not be breached if the occupants are the Lot Owner's immediate family members, herein defined as a parent, child, spouse, sibling, grandparent, or grandchild, by blood, adoption, marriage, or registered domestic partner and shall include half and step relatives. Homes or Lots are to be reserved for owners and their immediate family members and cannot

be advertised, rented out or leased out for monetary gain or commercial use. Access to Lakewood's lakefront property the beach and/or pavilion, cannot be rented out or leased or advertised for financial gain or commercial use.

Purpose: To protect the original intention of Lakewood to be a private residential vacation community vs. a public or commercial transient summer resort.

Pros: Keep a quiet and secluded neighborhood and limit vandalism, theft, and abuse of the lakefront common areas.

Cons: Lakewood POA property owners are not able to make money renting their vacation homes.

Article V, Section 5.1 Obligations of the Association

YES, I vote for this section

NO, I vote against this section

Obligations of the Association. The Association, subject to the rights of the Owners set forth in this Declaration, shall adopt and amend rules and regulations governing the use and operation of the Common Area, the Lots, and the Properties and the improvements thereon which are consistent with the covenants and restrictions contained herein, and shall be responsible for the exclusive management and control of the Common Area and all improvements thereon (including furnishings and equipment related thereto, if any), and shall keep the same in good, clean, attractive and sanitary condition, order and repair

Purpose: To provide clear wording to ensure Lakewood POA property owners and their appointed board of directors retain the right to improve, repair, and manage all common areas, including the lakefront, cul-de-sacs, boulevards, right-of-ways, and vacant lots adjoining private properties within Lakewood as needed.

Pros: To beautify common areas and remove dead and fallen trees which may impact right-of-way or may hinder or cause damage to neighboring private property.

Cons: N/A

Article VI, 6.1 Shll be amended to read as follows

Creation of the Lien and Personal Obligation of Assessments

YES, I vote for this section

NO, I vote against this section

Each Owner of any Lot by acceptance of a deed thereof, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association the following: (i) annual general assessments or charges and (ii) special assessments for capital improvements, extraordinary expenditures, or fines for violations of this Declaration, the Bylaws, and/or the Rules and Regulations of the Association, such assessments to be established and collected as hereinafter provided.

All such assessments, together with interest thereon and costs of collection thereof as hereinafter provided, shall be a charge on the land and a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest thereon and costs of collection thereof, which shall include the Association's actual attorneys' fees incurred, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due.

Purpose: To remove the word Developer from the original rule. Add "extraordinary expenditures, or fines for violations of this Declaration, the Bylaws, and/or the Rules and Regulations of the Association." to 6.1 (ii)

Pros: Modernize Bylaws, Covenants and Restrictions, and levy special assessments on particular property owners when the board must act to remedy gross violations of the Bylaws, Covenants and Restrictions for Lakewood POA.

Cons: Wording may be perceived as too strict.

Article VI, 6.3 shall be amended to read as follows:

Special Assessment for Capital Improvement, Fines for Violations, or Extraordinary Expense

___ YES, I vote for this section

___ NO, I vote against this section

In addition to the annual assessments authorized above, the Association may levy in any assessment year a special assessment applicable to that year and not more than the next two succeeding years for the purpose of defraying, in whole or in part: (i) the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto, and/or (ii) extraordinary expenses incurred in the maintenance and operation of the Common Area and facilities, if any; provided that any such assessment shall have the assent of the and two-thirds of the votes of the Owners who are voting in person or by proxy at a special meeting duly called for that purpose. In addition, should the Board assess any fines or penalties against a Lot/Lot Owner for violations of this Declaration, the Bylaws, or the Rules and Regulations, or should the Board incur any costs in enforcing such violations as described in Section 7.3 herein, such fines or charges shall be considered a Special Assessment against the Lot/Lot Owner, and may be enforced in accordance with Sections 6.5 and 7.3 herein, and applicable law.

Purpose: Additional wording provides permission to the elected Lakewood POA officers and board of directors to collect fines and penalties from a Lot Owner for violations of the Declaration, Bylaws, and Rules and Regulations.

Pros: Modernize our Bylaws, Covenants and Restrictions and provides the Lakewood POA clear language to levy special assessments to recoup Lakewood POA money spent on maintaining abandoned or neglected properties after every attempt is made to communicate in writing to encourage the property owners to take action on their own.

Cons: N/A

Article VII, 7.3 shall be amended to read as follows:

Enforcement

___ YES, I vote for this section

___ NO, I vote against this section

The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or thereafter imposed by the provisions of this Declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. In addition, the Association shall have the right to enforce any provision of this Declaration, or the Bylaws or Rules and Regulations by either (i) entering the Lot and correcting the violation, and any costs incurred by the Association in correcting the violations shall be charged to the Lot Owner as a special assessment; or (ii) fining the Lot/Lot Owner for the violation until it is corrected, in a manner consistent with the Rules and Regulations.

Purpose: To give the elected Lakewood POA and board of directors permission to repair, fix, or improve major material issues or physical damage with Lakewood properties after every attempt has been made to communicate in writing to the property owners regarding the issues they are having on or with their Lakewood properties.

Pros: Increase all property values by addressing physically damaged, abandoned, or severely blighted/neglected Lakewood properties and to continue beautifying Lakewood to increase curb appeal. Additionally, with the increase in frequency and severity of storms and straight-line winds, downed trees and property damage is increasing within Lakewood. The elected officers and Lakewood board of directors will have permission to physically initiate clean-up efforts and help all Lakewood property owners to maintain the value of their homes and cabins, especially in cases when Lakewood property owners are unable to address significant material or structural damage to their Lakewood home (i.e. storm damage, fire-damage, break-ins, or acts of God).

Cons: May be perceived as overreach or trespassing by elected Lakewood officers and board members.