

Phase 4A Covenants; Unbridled Board Authority

Though each phase in Lake Ramsey has its own set of CC&Rs, Phases 1-4 are very similar. Phase 4A is the exception. In 2012, when these covenants were initially being reviewed and considered by the Board for adoption, prior to OCI selling lots in Phase 4A, a committee of both board members and residents was formed to review them. As a member of that committee, I immediately saw the overreaching power that this document that would give the board over individual property owner's rights. Phase 4A covenants actually contain an estimated 50% more words than the other four phases. I expressed my concerns to the Board. The Board, disregarding these concerns, approved these atrocious CC&Rs for Phase 4A. To follow are a few examples of authority given to the Board over the rights of Phase 4A property owners. They are NOT part of the Covenants for Phase 1-4.

It is quite obvious that inclusion of these sections, as well as others, are clearly intended to give the board authority over property owners rights in Phase 4A, authority that they know they do not possess for Phases 1-4.

Phase 4A: Article 8, Section 5: Gives board specific right to establish and charge interest, penalty and late fees on unpaid assessments.

5. Non-payment of Assessments. Any assessment levied pursuant to this act or to any authorized by the Association or any installment thereof, which is not paid within ninety (90) days after it is due shall be delinquent and shall bear interest at the rate set by the Association, and may also subject the member to pay such other penalty or late charge as the Association may fix, from time to time as determined by the Association acting through the Board of Directors. All voting rights and all rights to use all common amenities (except access streets) are suspended as to said owners until the amounts due are paid.

Phase 4A: Article 9: Board empowered with broad discretion.

IX. NECESSARY VOTE OF ASSOCIATION MEMBERS

Unless specifically addressed herein, or in the Articles of Incorporation or the By-Laws of the Association, the vote required for any action of the Association which is required to be voted on by the members, shall be approved by a vote Of 51% of the members.

It is specifically stipulated that the Association's Board of Directors is empowered with broad authority to run the Association and broad discretion to adopt, establish and promulgate Rules and Regulations to assure the enforcement of and compliance with the letter, spirit, intents and purposes of these restrictions.

Phase 4A: Article 2, Section 2: Board may adopt new rules and regulations on all improvements.

2. All improvements on the lots shall be constructed in accordance with the requirements provided hereinbelow and any Rules and Regulations adopted by the Directors, and shall thereafter be maintained by the owner in a clean, safe, attractive condition and in good repair.

Phase 4A, Article 3, Section 6, Board may contract for one trash collector.

6. Garbage and rubbish receptacles shall be in complete conformity with sanitary regulations and shall not be in the front yard (closer to the street than the front of the house) except immediately prior to and after scheduled garbage pick up times.

Phase 4A, Article 3, Section 5: Board and Non-payment of Assessment.

5. Non-payment of Assessments. Any assessment levied pursuant to this act or to any authorized by the Association or any installment thereof, which is not paid within ninety (90) days after it is due shall be delinquent and shall bear interest at the rate set by the Association, and may also subject the member to pay such other penalty or late charge as the Association may fix, from time to time as determined by the Association acting through the Board of Directors. All voting rights and all rights to use all common amenities (except access streets) are suspended as to said owners until the amounts due are paid.

Phase 4A, Article 1, Section 4: Board to promulgate new Rules and Regulations.

4. Rules and Regulations - Shall mean the Rules and Regulations as may be promulgated by the Association from time to time, governing the rules and standards for construction and the procedures for obtaining necessary prior approval for site preparations and construction and also rules pertaining to the use, maintenance and occupancy of lots and common areas and other services within the subdivision. Rules and Regulations concerning the use of Lake Ramsey may limit the size of boats and the horsepower of engines by way of example but not exclusively.

Phase 4A, Article 11, Section 4(7): Specific requirements and restrictions on fences, including styles, materials and size.

5. Fences. All fences must be approved prior to construction by the BOD for both placement and materials. No fence shall extend beyond the front elevation of the house. Front yard fencing is prohibited. Fences should not exceed six (6') feet in height. No barbed wire or other dangerous material can be used. No chain link is allowed on any lot. No fence, wall, hedge or shrub which obstructs sight lines at elevations between two (2') feet and six (6') feet above the roadway shall be placed or permitted to remain on any corner lot within the triangle area formed by the street property lines and the lines connecting them at points twenty five (25') feet from the intersection of the street lines extended. The same sightline limitations apply on any lot within twenty (20') feet from the intersection of a street property line with the edge of a driveway pavement. No tree or shrub shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstructions of such sight lines. No fences or "living fences" of bamboo, shrubs or the like are permitted beyond the reference irons set and shown on the subdivision plat at the rear of lots adjacent to Lake Ramsey.