

## Lake Josephs Homeowners' Association – Rules

Dear Homeowners; as promised, here is the updated set of rules that govern the Lake Joseph Homeowners Association. They do not contain the complete Declaration of Covenants, Restrictions, Easement, Charges and Liens, nor the complete Bylaws that are part of the Offering Plan. However, they should look familiar to all who have reviewed the Prospectus that they received when they purchased their home. Please note that the Board has modified these rules for the sake of clarity from time to time, as it is authorized to do. The Board will continue to update these rules on the same basis.

As always, we look forward to addressing any questions you may have at our upcoming annual meeting.

Yours faithfully,

Lake Joseph Board of Directors

**THE FOLLOWING IS AN UPDATED REPRINT OF ARTICLE II OF THE DECLARATION OF COVENANTS, RESTRICTIONS, EASEMENTS, CHARGES AND LIENS THAT APPEARS IN THE LAKE JOSEPH HOMEOWNERS' ASSOCIATION OFFERING PLAN:**

EXHIBIT A:

DECLARATION OF COVENANTS, RESTRICTIONS,  
EASEMENTS, CHARGES AND LIENS

ARTICLE II  
GENERAL APPLICATION – LOTS

1. The premises herein conveyed shall be used only for residential purposes and no part of said lot or premises shall be used for any business, manufacturing, commercial or mercantile purposes of any kind or for the sale of liquor. Nothing herein contained shall prevent any owner from renting his dwelling for residential purposes.
2. That no home or dwelling shall be erected on said lot except a one-family dwelling with an appropriate attached private garage for no more than two cars, and a storage shed not larger than 200 square feet in area. Emergency easements for fire and police vehicles are granted for each lot.
3. No home or dwelling shall have less than Eleven Hundred Square Feet 1100 sq. feet) of living area inclusive of the second floor, but exclusive of basement (unless the basement is designed as part of the living area of the dwelling), covered porches or decks, breezeways or attached garages.
4. Any home or dwelling constructed on property fronting on Lake Joseph shall not be higher, at its highest point, than thirty (30) feet. The Board shall approve the location of each dwelling on each lot, regardless of the location of the lot.
5. All dwellings shall be constructed so as to be at least twenty (20) feet from all property lines on all sides and dwellings constructed on lots bordering on Lake Joseph (except those on Lots #26 and #27), and shall be set back at least one hundred (100) feet from the high water mark of Lake Joseph. All other lots shall be set back at least 50 feet from the front property line and road edge. Dwellings constructed on Lots #26 and #27 shall be set back at least 50 feet from Lake Joseph.
6. No further subdivision will be allowed for any lot.
7. No trailer, mobile home, tent, camper or similar structure shall be located or maintained on any lot.
8. Construction of any dwelling or garage shall be completed on the exterior within twelve months after start of actual construction.
9. The exterior design and materials for each building, landscaping and driveway shall be approved by the Board. The exterior design may be modern, ranch, contemporary, colonial, rustic or Tudor English. The materials for said dwelling may consist of stone, hand split shakes, board and batten or similar wood siding. Roofs shall be of asphalt shingle, hand split shakes or slate. The dwellings shall be stained a shade of brown which shall be approved by the Board. Construction may be performed only by builders approved by the Board. The Board's decision shall be final and may be arbitrary.
10. No vehicles, campers, snowmobiles or parts there from shall be stored on any lot unless in an enclosed structure.

11. Except for building materials during the course of construction or repair of any improvements by the Member, or as approved by the Board of Directors, no lumber, metals, bulk materials, rubbish, refuse, garbage, trash or other waste material (all of which are referred to hereinafter as "Trash") shall be kept, stored, or allowed to accumulate outdoors on any portion of the Property, except in sanitary containers and screened from adjacent and surrounding property. Such containers may be placed in the open within 24 hours of a scheduled pick-up, at such place on the lot or other portion of the Property designated by the Association so as to provide access to persons making such pick-up. The Association may, in its discretion, adopt and promulgate reasonable rules and regulations relating to the size, shape, color and type of containers permitted and the manner of storage of the same on any portion of the Property. All facilities for the storage or disposal of Trash, shall be kept in a clean and sanitary condition.
12. No animals, livestock or poultry shall be kept, bred or raised on the premises; however, this shall not be deemed to prohibit household pets. All such household pets shall be confined to the Owner's property unless leashed, except that horses may be kept in areas designated for such use.
13. No noxious or offensive use shall be permitted, nor shall anything be done upon any lot, which may be or become an annoyance or a nuisance to the development. No signs shall be affixed to said premises or buildings except name signs and except signs erected by or with the permission of the developer during the development period. All name signs, mailboxes and outdoor lighting shall be subject to Board approval.
14. No fencing of any type shall be permitted without Board approval.

The exterior of any structure constructed within the subdivision on a Member's lot and all landscaping on said lot shall be maintained by the Member. In the event that grass is allowed to exceed five (5) inches in height, or shrubbery or the exterior of a residence is allowed to become unkempt, the Association may cause the proper maintenance to be performed and shall charge the lot owner an assessment for the cost of such maintenance.

15. No sewage treatment facilities of water systems may be used except those approved by the Board.
16. No outside television or radio antenna shall be erected on any lot or other portion of the Property. Lot owners shall have the right to install individual indoor or attic antennas within each residence.
17. No vegetation shall be removed unless such removal conforms to the following restrictions:
  - a. Within fifty feet of the mean high water mark of Lake Joseph not more than thirty percent of the trees in excess of six inches in diameter at chest height may be cut over any ten year period;
  - b. In addition to (a) , within ten feet of the mean high water mark of Lake Joseph, no vegetation may be removed, except that up to a maximum of thirty percent of the shoreline may be cleared of vegetation on an individual lot.
  - c. No tree in excess of ten inches in diameter at chest height may be removed without approval from the Board except in the precise location where the dwelling is to be constructed or the driveway is located.
  - d. The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that presents safety or health hazards.
18. All gasoline driven boats will be excluded from operation in the waters of Lake Joseph. Only those boats that are powered by wind, electric motor, or manual power will be permitted.
19. The conveyances and restrictions contained in this Article are continuing ones for the benefit of the entire development and are to be construed as conveyances and restrictions running with the land; in case of a breach of said conveyance and restrictions, or either of them, the same may be restrained by injunction or other legal remedy. None of these restrictions may be amended or changed.
20. An easement shall be granted to the transportation corporation that controls the sewer and water utilities so that all parts of the system, on each lot, may be serviced as required.
21. All tanks, pumps, piping and fittings used in the water and sewer facilities on each lot shall be those specified by the Board, sewer or water district or transportation corporations.

**FOLLOWING ARE SELECTED UPDATED SECTIONS OF THE BYLAWS INCLUDED IN THE LAKE JOSEPH HOMEOWNERS' ASSOCIATION OFFERING PLAN:**

BYLAWS  
Of  
LAKE JOSEPH HOMEOWNERS' ASSOCIATION, INC.

ARTICLE V: MEETINGS OF MEMBERS

SECTION 1. ANNUAL MEETINGS: The annual meeting of the homeowners shall be held in Sullivan County on the first Saturday in July of every year at a place and time designated by the Board of Directors.

SECTION 3. NOTICE OF MEETINGS: Notice of each meeting of the members shall be given at the direction of the secretary or person authorized to call the meeting by mail, email (receipt requested) or in person at least (15) fifteen days before the meeting to each Member entitled to vote. The meeting notice shall be delivered to the address last appearing on the books of the association or supplied by the Member to the association for the purpose of notice. The notice shall specify the place, day and hour of the meeting and, in the case of a special meeting, the purpose of the meeting.

SECTION 4. QUORUM: A quorum is established by the presence of (1/2) one-half of the membership or members casting proxies that constitute the equivalence of 1/2 of the voting members. If a quorum is not present for any meeting, the members entitled to vote shall have the power to adjourn the meeting from time to time, without notice other than an announcement at the meeting, until a quorum shall be represented.

SECTION 5. PROXIES: At all meetings of Members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his lot.

SECTION 7. ORDER OF BUSINESS AND RULES OF ORDER: The order of business at all meetings and the rules defined in the latest edition of "Robert's Rules of Order Revised" shall govern the association.

SECTION 8. (ADDED) MEMBER PARTICIPATION: When the floor is opened to the members there is a time limit of 5 minutes for each member to speak on a topic. This time frame creates an opportunity for all members wishing to speak.

ARTICLE VIII: MEETING OF DIRECTORS

SECTION 1. REGULAR MEETINGS: Regular meetings of the Board of Directors shall be held quarterly, at a time, place and hour determined by resolution of the Board.

SECTION 2. SPECIAL MEETINGS: Special meetings of the Board of Directors shall be held when called by the President of the Association and/or the Secretary upon the written request of any two Directors after no less than three (days) notice to each Director.

SECTION 3. QUORUM: One-half (1/2) of the number of Directors constitute a quorum for the transaction of business.

SECTION 4. (ADDED) MEMBER PARTICIPATION: As these meetings are business meetings for the Board of Directors, Homeowners Association members are welcome to attend the quarterly meetings, but all comments on issues discussed at the meeting must be reserved until after the Board of Director Meetings are concluded.

**FOLLOWING ARE RULES THAT HAVE BEEN PROMULGATED BY THE BOARDS OF DIRECTORS OF THE LAKE JOSEPH HOMEOWNERS' ASSOCIATION:**

**BOATS, LAKE AND WATERFRONT**

1. Only boats owned by homeowners are permitted on Lake Joseph. Your guests may not use their own boats. If your boat has been used on another lake, it must be thoroughly cleaned with a solution of bleach and water prior to being returned to Lake Joseph. Special attention should be given to any pools of water inside the boat. This is to prevent contamination of our lake by foreign organisms and vegetation. Boat cleaning must be witnessed by a Board Member.
2. No gasoline powered motors are allowed on the lake. Electric motors are permitted. Gas motors must be removed from the boat.
3. The common docks located at the beach area are available for use from May 15<sup>th</sup> thru October 15<sup>th</sup> each year. The annual dock space (per boat) fee must be paid in advance prior to tying a boat up at the dock.
4. All boats must be removed from dock space located by the Club House and/or the beach area by the homeowner by October 15th.
5. As of 07/04/11, all boats on Lake Joseph must have a "Lake Joseph" decal affixed to the hull.
6. For all HOA members using the docks at the beach area, all dock fees must be paid in full prior to a decal being issued.
7. Any HOA member found using a boat without a decal will be subject to a fine
8. Decals will be issued and applied by Lake Joseph Security.
9. Fishing licenses are required by New York State for all persons fishing on the lake. They can be purchased online or for a small fee at the Wal-Mart in Monticello and several local country stores and sporting goods shops.
10. Guests of the Inn must comply with a catch and release fishing policy.
11. A homeowner cannot give others permission to use the lake, other than one of the following:
  - a. Immediate family (mother, father, sisters, brothers, homeowners' children).
  - b. Overnight guests at your house when the homeowner is in residence.
  - c. Day guests while the homeowner is with them, or present at home, or at a location on the development known to the guests or Lake Joseph Security. This means that a guest must be actually visiting you, not merely visiting the lake.
  - d. Your full time tenant who has rented your entire house, subject to and in compliance with all other rules regarding tenants.
12. You may not give permission to fish to a worker whom you have hired to do work on your house or property. A Guest is someone who is visiting you for social or family reasons.
13. Inn guests must use the beach area designated for their use to the east of the boathouse. This is to the far right when facing the Lake's south shore. They may not use the grassy beach area nearer to the dam and lecture hall. (Old church style building) Homeowners may use both beach areas.
14. No fishing is allowed in areas designated for swimming.

15. Due to the distance sound travels across the water, a radio or recorded music may not be played at a high volume while on the lake.
16. Walking on the dam is prohibited
17. No boats, other than racked kayaks, canoes or skulls may be stored on beach grounds.

#### POOL

1. A home owner cannot give others permission to use the pool other than one of the following:
  - a. Immediate family (mother, father, brothers, sisters, the homeowners' children).
  - b. Overnight guests at your house when the homeowner is in residence
  - c. Day guests while the homeowner is with them, or present at home or at a location on the development known to the guests or Lake Joseph Security. This means that a guest must be actually visiting you, not merely visiting the pool.
  - d. Your full time tenant who has rented your entire house, subject to and in compliance with all other rules regarding tenants.
2. A minimum of (1) adult, 18 years of age or older, must be present at all times the bathing facility is in use.
3. Children under the age of 18 must be accompanied by parents/guardians.
4. Proper bathing attire must be worn.
5. No alcoholic beverages in the pool area.
6. Children wearing diapers of any kind are not permitted in the pool. Swimmies are permitted.
7. All homeowners are responsible to remove their own litter and garbage to the garbage cans provided by the HOA outside the pool house.
8. All umbrellas must be closed before you leave the pool area.
9. Pool must be tested for chlorine content 3 times daily (Board of Health rule) If not, the pool must be closed.
10. No more than 5 people per homeowner may visit the pool at the same time without prior consent of the Board of Directors.

#### DOGS:

1. All dogs must be on a leash or electric collar while on common grounds, unless they are in a fenced in area specifically designated for that purpose.
2. Homeowner will be fined if their dog is found off a leash or an electric collar is not in use.
3. All solid waste products from your pet must be placed in a bag immediately and placed in a trash container.
4. No pets/dog runs are permitted.
5. No pets/dogs are permitted to be left tied up outside, whether or not the homeowner is at home.
6. No dog houses.
7. No pets/dogs are permitted to behave in such a manner as to interfere with another homeowner's right to enjoyment of his/her property or create a nuisance.

WORK HOURS:

1. Permitted times for work by contractors are Monday thru Friday 7:30 am to 6:00 pm. Saturday 9:00 am to 4:00 pm.
2. No outside contractors may perform any work on Sundays without prior approval from the Board of Directors.
3. For the mutual benefit of all Homeowner quiet times shall be observed after 11:00 PM (23:00) AND Sundays before 10:00 AM.

GARBAGE DUMPSTER

1. The garbage dumpster is for the use of Lake Joseph Homeowners exclusively. A homeowner may not give the combination of the lock to family members, friends, or others.
2. No furniture, appliances, wood or other household debris may be deposited at the dumpster. Call your disposal company to remove those items from your property. There is a sign on the fence enclosing the dumpster which sets forth the permitted and prohibited items for disposal.
3. There are several large purple containers for recycling. One is for newspapers and the other is for bottles, plastics and cans.
4. All newspapers and cardboard must be tied up securely and placed in the appropriate cans. If your cardboard does not fit in the container you must break it up and tie it in a bundle before placing it in the can.
5. Please note, a camera is in use at the dumpster for security purposes.

YARD SALES:

1. No yard sales, garage sales, tag sales, etc are permitted

LAKEFRONT DOCKS:

1. Dock size: (4X24 or 96 square feet).
2. Only with permission of the HOA Board should the dock size be altered because of shallow water conditions.

COMMITTEES:

Committees may only be approved by the HOA Board.

LANDSCAPING: (AFTER CONSTRUCTING A NEW HOME)

1. A landscaping plan must be submitted to the HOA Board before any work can be started. Board reserves the right to refuse plan.
2. If any work is started without HOA permission, the area will be returned to its original state with the cost being incurred by the homeowner.

HOA BILLING:

1. Annual dues are billed in July and must be paid by October 31<sup>st</sup> (can be in 2 payments.) If not paid by December 31, a late fee of \$50 and a further \$10 per month will be assessed. If the dues are not paid by fiscal year-end (June 30<sup>th</sup>), the Board will place a lien against the homeowner's property.
2. Water Bills, which consist of basic water charge, quarterly usage of water and a quarterly sewer charge, are sent quarterly. Homeowners have 30 days to pay their bills before incurring a 12%/year late fee.

EMAILS:

1. Bulk Emails from members of the Lake Joseph HOA members to Lake Joseph HOA members are not permitted.
2. Harvesting the names and Email addresses of HOA members and keeping those names for later use is not permitted.
3. Members who would like to send out a notice to all the homeowners, must submit the notice to the HOA Board Secretary who will then forward the notice to all homeowners.
4. The Lake Joseph HOA mailing lists are confidential and are never released.

RENTALS:

Rentals of community property (The Boat House)

1. Available May 1 – October 15<sup>th</sup>.
2. \$200 charge + \$80.00 cleaning fee.
3. \$ 100.00 deposit which is returnable as long as the Club House is clean and all trash is bagged and removed from the facility and beach area.
4. The renter must provide a Porta John for a party larger than 10 people.

PROPERTY SALES:

1. The Board must be notified when you are selling your property to prepare a statement for your closing on your financial status with the HOA.
2. The Board needs the details of the new owner (Name, address, phone number, email, etc.)
3. There is a \$50 turnoff fee for the water paid by the seller and a \$50 turn on fee by the new Homeowner.

SEPTIC TANKS:

All septic tanks must be inspected every three years at Homeowner expense.

THE BOARD RESERVES THE RIGHT TO USE ANY APPROPRIATE PENALTIES SUCH AS LIENS, FINES, RESTRICTION FROM USE OF THE COMMON AREAS, AMENITIES AND/OR WATER TURNOFF FOR ALL HOMEOWNERS WHO HAVE NOT COMPLIED WITH THE RULES. THE FINE STRUCTURE FOR ANY RULE VIOLATION IS \$250.00 FOR THE FIRST OFFENSE AND \$500.00 FOR EACH AND EVERY SUBSEQUENT VIOLATION.