

LAKES OF BROOKS CROSSING COMMUNITY ASSOCIATION, INC

COMMON AREA RULES AND REGULATIONS FOR WATERCRAFT

I. GOVERNING DOCUMENTS

The following are legal documents governing the Association and its Directors;

A. As provided for in the BY-LAWS OF LAKES OF BROOKS CROSSING COMMUNITY ASSOCIATION, INC (the Association):

ARTICLE VII POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1. Powers. The Board of Directors shall have the Power to:

(A) Adopt and publish rules and regulations governing the use of Common Area and facilities and the personal conduct of the Owners and their guests thereon and establish penalties for infraction thereof;

B. As defined in the DEDICATION AND DECLARATION OF PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS, AND APPROVALS....(a.k.a. Lakes of Brooks Crossing Restrictive Covenants):

ARTICLE I Definitions

Section 4. "Common Area" shall mean all real property owned by the Association for the *common use and enjoyment* of the Owners of Lots in the Lakes of Brooks Crossing...

II. RULES, REGUATIONS AND PENALTIES

Whereas, Common Areas include ponds,

Whereas, *common use and enjoyment* of ponds may include boating,

Whereas, this document does not convey an explicit right to use watercraft in a Common Area,

Therefore, the following rules and regulation's governing use and storage of watercraft in Common Areas are for the purpose of adding clarity to the By-Laws and Restrictive Covenants. They are not intended to set aside or modify Covenant Restrictions.

Therefore, the following rules, regulations and penalties shall apply to Common Area ground:

1. That borders a Lot Owner's property or appurtenant (adjoining) easement on one side, a pond's edge on the opposite/far side, and is limited to the width of the Lot Owner's property is defined as being unfit for *common use*. Provided a Lot Owner owns property fitting this description and agrees to properly maintain said parcel of ground and in consideration for reduced maintenance cost to the Association a Lot Owner:

a. May add natural landscaping such as flowers, rocks, or shrubs that improve appearance; but not trees. Posts, piers, docks, and buried cables are prohibited. Tile and piping conducting stormwater, either above or below

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ground level is permitted. Tile/pipes may be protected to prevent damage by mowing equipment. Restrictive Covenant rules for Easements shall apply.

b. May store paddle boats, canoes or kayaks on the ground in this area for an indefinite period provided they are secured such that wind will not blow them into the water.

2. That *does not* border a Lot Owner's property or appurtenant easement. Lot Owners owning property fitting this description are subject to the following rules and regulations:

a. Lot Owners are only permitted to launch watercraft from the Common Area bordering Island Brooks Lane between Lots 118 and 119 and the Common Area at the North end of the same pond.

b. Lot Owners may store their watercraft overnight on Common Area ground only on weekends, including Friday evening, and holidays. Watercraft may not be left in the water unattended.

c. Interference with mowing and other maintenance created by watercraft left in a Common Area shall be an infraction subject to penalties set forth herein.

d. Lot Owners shall not alter the ground or shore line. Any alteration shall be an infraction subject to penalties set forth herein.

3. Use of Watercraft

a. Watercraft owners, including their guests, for the privilege of boating on a Common Area pond agree to *hold harmless* the Association. I.e., all risk is assumed by the Lot Owner or their guests.

b. Watercraft owners and users shall comply with Indiana boating regulations.

c. Watercraft shall be removed from the water when not in use.

d. Watercraft without lights shall not be permitted on the water after sunset.

e. At least one occupant must be an adult.

f. Use of electric and gas powered motors is forbidden.

4. Penalties for Infractions

a. Infractions will result in the Board requesting an attorney to send a *Demand Letter* requiring violator(s) to cease and desist. The party in violation will be responsible for the attorney's fees.

b. Lot Owners may also be subject to penalties established by Allen County or the State of Indiana.