



DECLARATION OF USE COVENANTS, CONDITIONS AND RESTRICTIONS

Know all by these present, that we, the Board of Directors of Gowdy Shores Homeowners Association, Inc., on behalf of the Gowdy Shores Homeowners Association, the interested parties and titleholders of GOWDY SHORES, according to the Plat thereof recorded August 10, 1933, in Volume 9 of Plats, page 32, being in New Buffalo Township, Berrien County, Michigan, agree to be governed by the restrictions and covenants as follows:

WITNESSETH

Whereas, the Gowdy Shores Homeowners Association, Inc. and each individual title holder either by execution of this document, grant of proxy or acceptance of the rights, benefits and privileges hereby desire to be governed by these restrictions.

Whereas, at the time the plat of Gowdy Shores was originally recorded, there was no declaration of restrictions, simply a dedication of the roads and Gowdy Shores Park to the use of the owners and a declaration of a common water system.

Whereas, the Association and the Owners deem it to be in their mutual best interest to preserve property values by adopting Use Covenants, Conditions and Restrictions (CC&R) for said Gowdy Shores plat, and

Whereas, the Association, as representatives of said Owners intend to adopt the Use Restrictions and Conditions for the purpose of preserving the character of Gowdy Shores as a community of private, owner-occupied residences, and creating uniformity and consistency in the use and enjoyment of Gowdy Shores plat.

Now, therefore, in consideration of the premises and the covenants herein contained, the undersigned, directly or by proxy, hereby adopt the said "Declaration of Use Restrictions Reservations and Conditions," effective for all purposes from and after the time of execution by the owners of each lot in said plat, as they now stand and as they may in the future be amended by a majority of the then owners, by number of lots, in said plat.



RESTRICTIONS

I Residential use

- A** Only one principle residential building shall be erected or allowed to exist upon any single lot, and shall be used and occupied for residential purposes only and shall never be used for commercial business of any kind. There shall be no employees, other than caregivers, except the occupants of the dwelling. Occupancy of any residential dwelling shall be limited to a family consisting of the owners, guests or tenants, their significant other(s) and progeny. Under no circumstances will a hotel or bed and breakfast be a permitted use.
- B** Ancillary structures may be erected in addition to the principle residential building, provided however, that it be of the same or similar architecture as the principle residential structure and that they are in compliance with New Buffalo Township zoning ordinances.
- C** No lot shall ever be replatted or subdivided for sale into lots of smaller divisions than 12,000 square feet. Two adjacent lots may be combined and used for one single family residence, in which case the common property line between them shall not be used to determine setbacks. Condominium or cooperative ownership is not permitted. Current uses and lot sizes will be “grandfathered” in accordance with Township rules and regulations.
- D** No building shall be erected where any finished exterior wall contains asbestos shingles or asphalt covering.
- E** Trailers, boats, motor/mobile homes, or junked cars shall not be permitted to remain on any lot unless covered storage is provided and said items are not in open view.
- F** No business or advertising signs may be erected or placed on any lot, other than one “For Sale” or rental sign.
- G** Unlicensed motor-driven vehicles, including golf carts and scooters, are banned on Association roads and beaches. People with disabilities will be issued special use permits granted by the Board.
- H.** Unlicensed drivers are not allowed to operate any type of motor vehicle on Association roads, beaches and lots.



COVENANTS AND CONDITIONS

I Beach easement

Association members in good standing and members of their family, guests and tenants shall have access to the use of the beach along Lake Michigan, and the private park area dedicated in the plat. The use of the private beach is subject to the rules and regulations adopted by the Board of Directors from time to time.

II Homeowners Association

A Homeowners Association has been established to promote and preserve the quality of development of the area, enforce these Declarations, and maintain the common roads, beach and facilities and preserve the interests and rights of the lot owners.

III Violation of these declarations

In the event any lot owner violates any provision contained within these Declarations, that owner shall be subject to one or more of the following:

- a. Revocation or suspension of all right to participate in any vote or election of the Association, and revocation of the right to serve as a Director or as an officer.

IV Amendments to this document

The Declaration may be amended by the vote of a simple majority of Association members in good standing, except that a 2/3 majority will be required to repeal the Declaration. The Declaration shall continue for fifty years.

The invalidity of any provision within this document shall not affect the validity of the remainder of this document, which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned collectively represent that they are the duly elected and serving members of the Board of Directors or individual consent owners and that these Declarations have been approved by a simple majority of lot owners as of June 3, 2006.

Gowdy Shores Home Owners Association, Inc.