

**DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF THE GOWDY SHORES HOMEOWNERS ASSOCIATION, INC.**

**As adopted, approved and ratified
and as amended May 5, 2018**

Know all by these present that we, the Board of Directors of Gowdy Shores Homeowners Association, Inc. (the "Board"), on behalf of the Gowdy Shores Homeowners Association, Inc. (the "GSHA"), its Members, 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, (the "Plat"), agree to be governed by these Covenants, Conditions and Restrictions ("CC&Rs") as follows:

WITNESSETH

Whereas, the GSHA 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 CC&Rs;

Whereas, at the time the Plat 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 GSHA and the lot owners deemed it to be in their mutual best interest to preserve property values by adopting a "Declaration of Use Covenants, Conditions and Restrictions" for said Plat, as originally recorded at Liber 2509, Page 1149, and as replaced with the "Declaration of Use Covenants, Conditions and Restrictions" for said Plat recorded at Liber 2786, Page 2489.

Whereas, the GSHA and its Members intend to revise said Declaration of Use Covenants, Conditions and Restrictions to the current proposed version of CC&R's for the purpose of preserving the character of Gowdy Shores as a community of private, owner-occupied single

family residences, and creating uniformity and consistency in the use and enjoyment of the Plat, and

Whereas, the GSHA desires and intends to amend the previously recorded Declaration of Use Covenants, Conditions and Restrictions recorded at Liber 2786, Page 2489 with this document.

Now, therefore, in consideration of the premises and the covenants herein contained, the undersigned, directly or by proxy, hereby adopt the “Declaration of Covenants, Conditions and Restrictions,” effective for all purposes from and after the time of approval by the majority of the Members and hereby revoke and rescind the Declaration of Use Covenants, Conditions and Restrictions recorded at Liber 2786, Page 2489.

SECTION I - COVENANTS AND CONDITIONS

I Beach Access

Members in Good Standing and their family, guests and tenants shall have access to the use of the beach, and the private park area dedicated in the Plat. The use of the private beach is subject to the GSHA Rules adopted by the Board of Directors from time to time.

II Homeowners Association

The GSHA has been established to promote and preserve the quality of development of the area, enforce these CC&Rs, and maintain the common roads, beach and facilities and preserve the interests and rights of the Lot owners. The GSHA shall be responsible for the maintenance and management of the common areas designated on the Plat. No owner shall repair, improve or alter the common areas without the express written consent of the Board of Directors. If any common area is damaged or destroyed by a Lot owner, or by such owner’s tenants, guests, agents, or family members, the GSHA will repair such damage at the owner’s expense.

SECTION II - RESTRICTIONS

A Residential use

1. Only one principle residential building shall be erected or allowed to exist upon any Lot, and shall be used and occupied for residential purposes only and shall never be used for commercial business of any kind. Under no circumstances will a hotel, inn or restaurant be a permitted use.
2. Lot owners are entitled to quiet enjoyment of their property.
3. Rentals are permitted so long as they comply with the GSHA Rules issued by the Board of Directors from time to time. At all times, Owners shall be responsible for their guests and tenants.
4. 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 Ordinance.
5. No single Lot shall ever be replatted or subdivided for sale into lots of smaller divisions than the square footage required to comply with the New Buffalo Township Zoning Ordinance regarding minimum lot size for properties zoned R-1 residential. Current uses and lot sizes will be “grandfathered” in and treated in accordance with the New Buffalo Township Zoning Ordinance. Condominium or cooperative ownership is not permitted.
- 6 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.
7. No business or advertising signs may be erected or placed on any lot other than “For Sale” or “For Rent/For Lease” signs.
8. Golf carts and off-road vehicles are not permitted on GSHA roads, beaches or Lots. People with disabilities may be issued special use permits by the Board on an as-needed basis.
- 9 Unlicensed drivers are not allowed to operate any type of motor vehicle on GSHA roads, beaches or Lots.
10. Owners shall at all times maintain their Lot(s) and all improvements thereon in a good and orderly manner and shall correct any continuing condition that threatens the safety, enjoyment or well-being of surrounding owners and properties. To the extent that a violation remains uncorrected for a period of 60 days after notice of such violation by the

Board, or such violation poses an immediate threat to the health or safety of Gowdy Shores residents, the GSHA is authorized to correct such violation at the expense of the Lot Owner of such property.

SECTION III - VIOLATION OF THE CC&RS

In the event any Lot owner violates any provision contained within these CC&Rs, the Board will notify that owner that they may 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 GSHA.
- b. Revocation of the right to serve as a Director or as an officer.
- c. Revocation or suspension of beach privileges.
- d. Fine and/or injunction prohibiting the erection or requiring the removal of any structure that violates local building codes.

SECTION IV - AMENDMENTS TO THE CCRS

The CC&Rs may be suspended, amended or repealed by an affirmative vote of 60% of the members in good standing present at any regular meeting provided the full text of the proposed amendment and/or the part proposed to be repealed or suspended has been included in the notice of the said meeting.

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 CCRs have been approved by a simple majority of Members in Good Standing as of May 6, 2018.

GOWDY SHORES HOME OWNERS ASSOCIATION, INC.

BY WILLIAM HEIMANN, PRESIDENT

BY LINDA LEADBITTER, SECRETARY