

AMENDED PLAT RESTRICTIONS

PLAT RESTRICTIONS

97-1653

Received For Record
This 25 day of April
A. D. 1997 at 9:10 o'clock Am
and recorded in record 67
Page 544-545

RECORDER OF BROWN COUNTY

Sandy Cain

1. This subdivision shall be known and designated as
DEER TRAILS SUBDIVISION
2. The streets as shown on this plat are hereby dedicated to the public.
3. There are strips of ground shown on this plat and are marked "Utility Strips" which are hereby reserved for the use of public or private utilities for the installation and maintenance of poles, mains, ducts, drains, lines, and wires relating to electrical power, telephone services, water and gas. No permanent or other structures are to be erected or maintained upon said utility easements, and owners of lots in this subdivision shall take title subject to the aforesaid rights of public or private utilities, such rights also including the right of ingress and egress in, along, across and through said utility easements, and the right of owners of the other lots in this subdivision.
4. Building set back lines are hereby established on this plat between which lines and the property lines of the streets there shall not be erected or maintained any building or structure other than open, unenclosed one-story porches.
5. No building structure or accessory building shall be erected closer to the side line of any lot than ten (10) feet or ten (10) percent of the width of the lot at the building line, whichever is the lesser; where buildings are erected on more than one single lot, this restriction shall apply to the side lines of the extreme boundaries of the multiple lots.
6. All lots in this subdivision shall be known and designated as residential lots. No structure shall be erected, altered, placed or permitted to remain on any residential lot herein other than one detached single family dwelling not to exceed two and one half stories in height, and a private garage for not more than two (2) cars and residential accessory buildings. The ground floor area of such dwelling, exclusive of one (1) story open porches shall not be less than one thousand (1000) square feet in the case of a one story structure and not less than seven hundred (700) square feet in the case of a two (2) story or two and one half (2 1/2) story structure; provided that no structure of more than one story shall be less than an aggregate of one thousand (1000) square feet.
7. No motel building, boarding house, hotel, mercantile or factory building or building of any kind for commercial use shall be erected or maintained on any lot in this subdivision.
8. No trailers, cement block, modular or prefab dwellings, tents, shacks, or outhouses of any kind shall be erected or situated on any lot herein, must be stick built except for use by the builder during construction of a proper structure necessary for housing his building materials and tools. All must have a 4-12 pitch roof.

9. No animals of any kind shall be kept or permitted on any lot or lots in this subdivision for commercial purposes.
10. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
11. Road fees shall be determined and assessed by the elected Board of Directors each year per lot with a house. Lots with no house shall be \$40.00 per lot per year.
12. All provisions herein may be enforced by actions at law or in equity against the persons violating or attempting to violate same.
13. All covenants and provisions hereof, both positive and negative, are to run with the land and shall be binding on all parties and all persons claiming under them until 2000 at which time said covenants shall be automatically extended for successive periods of ten (ten) years unless by a vote of a majority of the then owners of the lots in this subdivision, majority meaning owners present at voting time or by letter, it is agreed to change such covenants in whole or in part.

REVISED November 10, 1996.

My Commission
Expires 12-31-1998

Paul D. Hardin



E. Lee Tieche Jr.
President *E. Lee Tieche Jr.*

Hans R. Jacob
Vice-President *Hans R. Jacob*

W. Elizabeth McGlothlin
Secretary *W. Elizabeth McGlothlin*

Kathy R. Moore
Treasurer *Kathy R. Moore*

Raymond E. Smith
Member at Large *Raymond E. Smith*

DEER TRAILS COMMUNITY RULES

Introduction

These community rules are designed to help make life pleasant in the Deer Trails Community. Basically, they are designed to illustrate and define courteous and neighborly living. Although "the fewer rules the better" is probably the best rule, most of those below are the result of practical experiences and will help prevent hard feelings and misunderstanding among neighbors. Rules can be revised by the Board of Directors/Officers:

A. APPEARANCE

1. Each homeowner must keep the exterior of his/her home clean and in a good state of repair.
2. Homeowners shall not raise livestock, poultry and/or other animals for commercial purposes.
3. ALL pets must be kept restrained on the owners' property or on a leash at all times.

B. DISTURBANCES

1. Homeowners must not permit any noise or annoyance to disturb or interfere with the comfort and convenience of other owners.
2. No hunting or discharge of firearms is permitted.

C. GENERAL

1. Any consent or approval given under these community rules by the Board of Directors/Officers may be revoked by the Board at any time.
2. All lots will be used for residential purposes only.

CODE OF BY-LAWS OF DEER TRAILS HOMEOWNERS ASSOCIATION

ARTICLE I

Section 1.1. Name. The name of this Association is Deer Trails Home Owners Association (hereinafter referred to as "Association").

ARTICLE II

IDENTIFICATION & APPLICABILITY

Section 2.1. Identification and Adoption. The provisions of these by-laws shall apply to the Property Owners and administration and conduct of the affairs of the Association.

Section 2.2. Identification and Adoption. Each of the Owners within the Deer Trails Subdivision shall automatically and mandatorily be members in the Association and be entitled to all of the privileges and subject to all of the obligations thereof. All present and future Owners, by their acceptance of their respective deeds to their property, covenant and agree to be bound by the conditions, restrictions, and obligation. All of the Owners, tenants, their guests and invitees, or any other person who might now or hereafter use or occupy a property shall be subject to the rules, restrictions, terms and conditions set for by these by-laws, as all the same may be amended from time to time, and to any rules and regulations adopted by the Board of Directors/Officers as herein provided.

ARTICLE III

MEETINGS OF THE ASSOCIATION

Section 3.1. Purpose of Meetings. At least annually, and at such other times as may be necessary or appropriate, a meeting of the Owners shall be held for the purpose of electing Board of Directors/Officers, and for other purposes as may be required by these by-laws.

Section 3.2. Annual Meeting. The annual meeting for the Members of the Association shall be held at a predetermined date and time. At each annual meeting, the Owners shall elect the Board Members as their term has expired in accordance with the provisions of these by-laws and transact such other business as may properly come before the meeting.

Section 3.3. Majority Vote. The vote of a majority in common interest of Property Owners present at a meeting shall be binding upon all Property Owners for all purposes.

Section 3.4. Conduct of Annual Meeting. The Chairman of the annual meeting shall be the President of the Association. He shall call the meeting to order at the duly designated time, and business will be conducted as follows:

1. Reading of Minutes. The Secretary shall read the minutes of the last meeting and the minutes of any regular or special meeting of the members held subsequent thereto, unless such reading is waived by a majority of the vote.
2. Treasurer's Report. The Treasurer shall report to the Owners concerning the financial condition of the Association and answer relevant questions of the Owners.
3. Election of the Board of Directors/Officers. Nominations of the Board of Directors/Officers may be made by any Owner from those persons eligible to serve.
4. Committee Reports. Reports of committees designated to supervise and advise on the respective segments of maintenance and operations or assigned by the Board of Directors/Officers shall be presented.
5. Adjournment. Upon completion of all business before the Association, the President, upon the motion of any Owners, may adjourn the meeting.

Section 3.5. Conduct of Special Meeting. The President of the Association shall act as Chairman of any special meetings of the Association.

ARTICLE IV

BOARD OF DIRECTORS/OFFICERS

Section 4.1. Board of Directors/Officers. The affairs of the Association shall be governed by the Board of Directors/Officers (herein sometimes collectively called "Board" and individually called "Directors" or "Officers"). The Board of Directors/Officers shall be composed of five (5) persons who each own at least one Lot.

Section 4.2 Additional Qualifications. Where an Owner consists of more than one person or is a partnership, trust or other legal entity, then one of the persons constituting the multiple Owner, or a partner or an officer or trustee shall be eligible to serve on the Board of Directors/Officers, except that no single Lot may be represented on the Board of Directors/Officers by more than one person at a time.

Section 4.3. Term of Office and Vacancy. Members of the Board of Directors/Officers shall be elected at each annual meeting of the Association as each vacancy arises, except for the first term starting in 1997. The Vice President and Secretary shall have a term of three years then each subsequent term of two years. Each

Director/Officer shall serve a term of two (2) years. Any vacancy or vacancies occurring in the Board shall be filled by a vote of a majority of the remaining Directors/Officers or by vote of the Owners if a Director/Officer is removed in accordance with the by-laws. Each Director/Officer shall hold office throughout the term of his/her election until his/her successor is elected and qualified.

Section 4.4 Removal of Directors/Officers. A Director/Officer or Directors/Officers elected by the Owners may be removed with or without cause if the number of votes cast to remove would be sufficient to elect the Director/Officer(s) at a meeting to elect Directors/Officer. A Director/Officer or Directors/Officers elected by the Owners may be removed by the Owners only at a meeting called for the purposes of removing the Director/Officer(s). The meeting notice must state that the purpose of the meeting is for voting upon the removal of the Director/Officer(s). In such case, his/her or their successor(s) shall be elected at the same meeting from eligible Owners nominated at the meeting. A Director/Officer or Directors/Officers elected by the Board may be removed with or without cause by the vote of a majority of the Directors/Officers then in office. However, a Director/Officer or Directors/Officers elected by the Board to fill the vacancy of a Director/Officer elected by the Owners may be removed without cause by the Owners but not by the Board.

Section 4.5 Duties of the Board of Directors/Officers. The Board of Directors/Officers shall perform or cause to be performed, when and to the extent deemed necessary or appropriate in the Board's business judgment, the following:

- A. Assessment and collection from the Owners of the Owner's pro-rata share of the Road fees for the Association and special assessments;
- B. Keeping a current, accurate, and detailed record of the receipts and expenditures affecting the Association and Owners, specifying and itemizing expenses; all records and vouchers shall be available for examination by any Owner.

Section 4.6. Powers of the Board of Directors/Officers. The Board of Directors/Officers shall have such powers as are reasonably necessary or appropriate to accomplish the performance of their duties. These powers include, but are not limited to, the power:

- A. To purchase of the benefit of the Owners such equipment, materials, labor and services as may be necessary to the judgment to the Board of Directors/Officers;
- B. To employ legal counsel, architects, engineers, contractors, accountants, and other as in the judgment

of the Board of Directors/Officers may be necessary or desirable in connection with the business and affairs of the Association;

- C. To employ, designate, discharge and remove such personnel as in the judgment of the Board of Directors/Officers may be necessary for the maintenance, upkeep, repair and replacement of the Roads;
- D. To include the costs of all of the above and foregoing as Common Expenses and to pay all of such costs therefrom;
- E. To open and maintain a bank account or accounts in the name of the Association and to designate the signatories thereto; and
- F. To adopt, revise, amend, and alter from time to time reasonable rules and regulations with respect to use, occupancy, operation, beautification, and enjoyment of the Property provided that the Board shall give advance written notice to the Owners of such rules and any revision, amendment or alteration thereof.

Section 4.7 Compensation. No Director/Officer or Office shall receive any compensation for his/her services as such except to such extent as may be expressly authorized by a Majority of Owners.

Section 4.8 Meetings and Notice of Meetings. Regular meetings of the Board of Directors/Officers may be held at such time and place as shall be determined from time to time by a majority of Directors/Officers.

Section 4.9. Informal Action by Directors/Officers. Any action required or permitted to be taken at any meeting of the Board of Directors/Officers may be taken without a meeting.

ARTICLE V

DIRECTORS/OFFICERS

Section 5.1. Directors/Officers of the Association. The principal directors/officers of the Association shall be the President, Vice-President, Secretary, Treasurer and Member at Large, all of whom shall be elected by the members of the Association. Any two or more offices may be held by the same person, except that the duties of the President and Treasurer shall not be performed by the same person.

Section 5.2. Election of Directors/Officers. The directors/officers of the Association shall be elected at the Annual Meeting. Each director/officer shall hold office for two(2)

years or until his/her successor shall have been duly elected and qualified, unless earlier removal by a majority vote of the members of the Association. Upon recommendation of a majority of all members of the Board or upon an affirmative vote with or without cause and his/her successor elected at any regular meeting of the Board or at any special meeting of the Board called for such purpose.

Section 5.3. The President. The President shall be elected and shall be the chief executive director/officer of the Association. The President shall preside at all meetings and shall have all the general powers and duties usually vested in the office of the president, including, but not limited to, the power to appoint committees from among the Owners as he or she may deem necessary to assist in the affairs of the Association and to perform such other duties as the Board may from time to time prescribe.

Section 5.4. The Vice President. The vice-president shall be elected from among the Owners and shall perform all duties incumbent upon the President during the absence or disability of the President. The vice-president shall also perform such other duties as these by-laws may prescribe or as shall, from time to time, be imposed upon him or her by the Board or by the President.

Section 5.5. The Secretary. The Secretary shall be elected from among the Owners. The Secretary shall attend all meetings of the Association and shall keep or cause to be kept a true and complete record of proceedings of such meetings, shall authenticate the Association's records, shall perform all other duties incident to the office of the Secretary, and such other duties as from time to time may be prescribed by the Board. The Secretary shall specifically see that all notices of the Association are duly given, mailed or delivered.

Section 5.6. The Treasurer. The Board shall elect from the Owners a Treasurer who shall maintain a correct and complete record of accounts showing accurately at all times the financial condition of the Association and such other duties incident to the office of Treasurer. The Treasurer shall be legal custodian of all moneys, notes, securities, and other valuables which may from time to time come into possession of the Association. The Treasurer shall immediately deposit all funds of the Association coming into his/her hands in some reliable bank or other depository to be designated by the Board and shall keep such bank account in the name and for the exclusive benefit of the Association.

Section 5.7. Member at Large. A Member at Large shall be elected among the qualified owners to assist the Board of Directors/Officers and be involved in all meetings and decisions of the Board of Directors/Officers. This individual will be considered as a member of the Board.

ARTICLE VI

MISCELLANEOUS

Section 6.1. Fiscal Year. The fiscal year of the Association shall be October 1 through September 30.

Section 6.2. Personal Interests. No member of the Association shall have or receive any earnings from the Association, except a member who is an employee, or agent of the Association may be reimbursed for expenses incurred on the Association's behalf.

Section 6.3. Contracts, Checks, Notices, Etc. All contracts and agreements entered into by the Association and all checks, drafts and bills of exchange and orders of the payment of money shall, in the conduct of the ordinary course of business of the Association, unless otherwise directed by the Board of Directors/Officers, or unless otherwise required by law, be signed by the Treasurer.

Section 6.4. Reports. The Board of Directors/Officers shall keep detailed records of the actions of the Board, minutes of the meetings of the Association and financial records and books of account including a chronological listing of receipts and expenditures. The financial records and books of account shall be made available for examination by all Owners, their duly authorized agents or attorneys at convenient hours that shall be set and announced for general knowledge.

Section 6.5. Dues. Dues shall be collected from each Owner as designated from for the Board of Directors/Officers. A written notice of the amount which is due and designated time limit in which to pay the dues shall be delivered to each Owner. The amount shall be determined by the Board of Directors/Officers. Dues may not exceed \$150.00 per year per lot.

ARTICLE VII

OPERATION OF THE PROPERTY

Section 7.1. Maintenance and Repair. Each Owner shall maintain, repair and replace at his/her sole cost and expense all needed repairs on his/her own property.

Section 7.2. Encroachment. The Board may not, at any time, have the power to alter or cause to be changed the property owned by the Owner at any time unless written permission is given by the Owner.

Definitions:

1. Board of Directors___Consists of the five Directors/Officers who were elected by majority vote at the Deer Trails annual meeting, or appointed by the remaining Directors/Officers if a vacancy arises during a term of Office.
2. By-Laws___Written procedures to govern the Deer Trails Subdivision.
3. Deer Trails Community___Consists of the 25 lots known as Deer Trails Subdivision.
4. Deer Trails Homeowners Association___Consists of the group of homeowners of the Deer Trails subdivision.
5. Directors/Officers___Are homeowners in the Deer Trails Subdivision that have been elected to the Board of Directors.