

FERN LAKE ASSOCIATION

CONDITIONS, RESTRICTIONS, SAFETY RULES, AND REGULATIONS

As stated in Article II.2 of the Declaration of Covenants, Conditions, Restrictions, and Easements of Fern Lake Estates, a sub-division in Douglas County, Nebraska, all Owners of Lots 1 through 7, Fern Lake Estates, or any re-plats thereof, are Members of the Fern Lake Association.

All Fern Lake Association Members and/or residents of Lots 1 through 7 in Fern Lake Estates, Douglas County, Nebraska (or any re-plats thereof), are responsible for ensuring that they and their guests understand and abide by the following rules and regulations. Disregard for and abuse of regulations are grounds for suspension of Fern Lake Association (hereinafter referred to as FLA) privileges.

The Fern Lake Association or individuals acting under the authority of the Association are not liable for any damages and/or injuries sustained while guests are using the FLA facilities or Common Areas.

When a violation is observed by a resident Member, the FLA asks that the violation be reported to the FLA Board in writing. This written complaint will be confidential and on file in the event that further action is necessary. Any Member/Lot owner who has received a notice of a violation of any rule may appeal to the FLA Board of Directors at a scheduled Board meeting.

All complaints made to the FLA Board of Directors should state:

- A. The nature of the violation.
- B. The date and time of the violation.
- C. The Lot number and name of the violator, if known.
- D. Signed by the Association Member observing the violation.

Serious safety violations of Douglas County or Nebraska State law should be called immediately to the Douglas County Sheriff's Dept. or 911. Any personal injury or property damage involving a boat must be reported to the FLA Board immediately.

There is a punitive system for violation of FLA conditions, restrictions, safety rules, and regulations. The first offense is a written warning stating the infraction. The second offense is a \$100 fine. The third offense within a twelve month period will result in the suspension of all boating and Common Area use privileges. Reinstatement will only be after written application is made to, and approved by, the FLA Board of Directors, and all fines have been paid in full.

Continued disregard or violation of the conditions, restrictions, safety rules, and regulations will result in the permanent revocation of privileges to use the lake and common areas. The FLA Board of Directors reserves the right, in its sole discretion, to take all reasonable actions necessary when conditions appear to threaten the safety or security of Fern Lake Estates homeowners and/or property.

1. GUEST

A Guest must be accompanied by the Member or a member of the residents family when using any of the Common Areas. Members are accountable and liable for the actions and conduct of their guests.

2. MOTORCYCLES / MOTORBIKES / MOPEDS / ATV'S / GO GARTS / GO PEDS / MOTOR VEHICLES

- A. Only those motorized vehicles which are State registered and licensed as motor vehicles will be allowed to operate on Fern Lake Estates roads.

- B. All motorized vehicles must have mufflers in good operating condition.
- C. With the exception of authorized FLA maintenance equipment, wheeled motor vehicles, motorcycles, ATV's of any type, snowmobiles, etc., are not allowed on Fern Lake Estates Common Areas.
- D. Maximum vehicle speed limit on Fern Lake Circle is 25 miles per hour.

3. FIREARMS, HUNTING, AND FISHING

- A. All hunting is prohibited without special FLA permit.
- B. Use of firearms, BB guns, cross bows, bow and arrow, and air rifles in Fern Lakes is prohibited.
- C. No fishing huts are allowed for ice fishing.

4. PETS

Maximum allowed are two domestic pets per household. Pets shall be restricted to owner's Lot, on a leash, or under direct control by their owner. Violations should be reported in writing to FLA Board of Directors and the local Humane Society. Owners will be directly liable for any damage or harm caused by unrestricted pets.

5. CAMPING ON LOTS

Camping overnight is prohibited on all Lots and Common Areas.

6. SNOWMOBILES / ATV'S / (TWO, THREE, FOUR AND SIX WHEEL VEHICLES)

- A. Operating the above referenced vehicles on the Common Areas and streets within Fern Lake Estates is prohibited. Operating said vehicles on any Lot is prohibited except for use while performing maintenance on the Lot.

7. BOATS / TRAILERS/ RECREATIONAL VEHICLES

Boats out of the water, boat trailers, recreational vehicles, motor homes, buses, campers, and all trailers of any type must be removed from the Member's residential Lot within 48 hours unless stored in an enclosed garage. Said vehicles and trailers shall not be parked on Fern Lake Circle at any time.

8. DOCKS / BOATS LIFTS / BOAT HOUSES

The FLA grants each waterfront Lot owner (Member) the privilege to put a dock in the lake in rear (lakeside) of their respective Lot. Therefore, for the safety of the Member's family and that of all Members of FLA, the exact placement of location of the dock in the lake and the dock's length is solely at the direction of FLA Board of Directors.

- A. Boat docks allowed will be those made from polyethylene, vinyl, fiberglass, or aluminum.
- B. Boat lifts allowed will be those made of aluminum, with white or gray canopy covers, such as those manufactured by Shore Station, Shoremaster, Hewitt, etc.
- C. Boat docks and lifts shall not be placed closer than 20 feet from the side Lot line.
- D. Boat houses are not allowed.

9. SWIMMING / SCUBA DIVING

- A. Swimming across the main part of the lake is prohibited.
- B. Swimming at the boat launch area is prohibited.
- C. The area between the lake perimeter shoreline and 50 feet into the lake is reserved for swimming.
- D. Scuba diving is not allowed.

10. BOATS – GENERAL INFORMATION AND REGULATIONS

- A. All Member boats and Member boat operators must comply with all Fern Lake safety rules and regulations as well as regulations established by the State of Nebraska. All Members must carry personal liability insurance on their boat(s) with a minimum limit of \$500,000 and supply a certificate of said insurance naming the FLA as additional insured, to the FLA on a yearly basis.
- B. There is a punitive system for the violation of boating rules. The first offense is a written warning. The second offense is a \$100.00 fine. The third offense in a twelve month period will result in the suspension of boating and Common Area use privileges. Reinstatement will only be after written application is made to, and approved by, the FLA Board, and all fines are paid in full.
- C. Boats belonging to a guest of FLA Members are prohibited on the lake. Any non Member boat found on the lake or its shores will be removed by the FLA or its duly authorized agent at the expense of the owner.
- D. All boats (power boats, canoes, paddle boats, fishing boats, sail boats, etc.) must display the Member's Lot number in the size set by the Association in a visible position on the starboard aft (right rear) side.
- E. To maintain safety for participants, boats may be restricted during special events as deemed necessary by the FLA Board of Directors.
- F. Only one motorized watercraft from each Lot shall be operated on the water at any given time.
- G. No boat shall be equipped with sanitary facilities of any kind which are capable of directly discharging into the water.
- H. Air boats, jet powered boats, jet powered watercraft classified as jet skis, wave runners, or any jet powered boat or personal watercraft of any brand, make or model, and any boats with inboard motors, or boats with above water exhaust systems, are not allowed on Fern Lake.
- I. All motorized watercraft shall have four stroke motors. No two cycle or two stroke motors of any kind shall be allowed on Fern Lake. Boats sizes and horsepower shall meet the following length and horsepower regulations:
 - Pontoon boats-** maximum length is 24 feet, determined by the length of the pontoons. Decks not to extend beyond either end of the pontoons and with a maximum of 150 horsepower motors.
 - Deck boats-** maximum length is 20 feet with a maximum of 270 horsepower motors.
 - Inboard boats, Inboard ski boats-** Boats classified as inboard boats and inboard ski boats are not allowed on Fern Lake.
 - Inboard/outboard boats (I/O) -** Maximum length is 20 feet with a maximum of 270 horsepower motors.
 - Outboard boats-** Maximum length is 20 feet with a maximum of 150 horsepower motors.
 - Boat motors-** No motors may be altered or modified from their original factory production standards to increase their performance or horsepower. All boat motors shall have underwater exhaust systems.
- A. Boat speed limit on the lake proper is 30 MPH. Speed limit within 75 feet of shoreline and dock areas is always NO WAKE, and on the lake proper between sundown and 10:00 A.M., speed limit is NO WAKE.
- B. Ski jumps, slalom courses, or any device of this nature, are not allowed on Fern Lake. With the exception of the previously stated boat dock and boat lift (see paragraph 8), Members are not allowed to place in the waters of Fern Lake, any structure, or floating dock of any type, without first obtaining approval from the FLA.

11. BOATING RULES – FERN LAKE

- A. All boating will be in a COUNTER – CLOCKWISE direction.
- B. All boats towing water skiers, tubes, etc, must have a wide-angle rearview mirror, or an onboard observer, 13 years of age or older.
- C. Boats must not follow a person being towed (skier, etc.) closer than 200 feet.
- D. All boats and skiers, etc. must remain a minimum of 75 feet from the shore and/or boat lifts and docks.
- E. Boats and water vehicles of any kind must not operate between a downed skier and the towing boat.
- F. Towlines may not be towed in the water for more than 300 feet. Tow lines may not exceed 75 feet in length.
- G. Boats shall be limited to a maximum of two tow lines at one time.
- H. Boats with a downed skier should turn toward shore in order to pick up their skier whenever possible.
- I. To lessen the possibility of beach and lake edge erosion, high speed boating should only be done while pulling skiers, tubes, etc.

12. BOATING – STATE LAW ENFORCEMENT AT FERN LAKE

All watercraft operators must comply with all boating rules and regulations established by the State of Nebraska. All watercraft operators shall familiarize themselves with the State regulations prior to operating a watercraft on Fern Lake. A portion of the State regulations are listed below.

- A. Children under 12 years of age and younger must wear an approved life preserver when in a moving boat.
- B. No one under the age of 14 years shall operate a motor boat of any class at any time.
- C. All boats must use appropriate lights if on the lake at night. Speed limit between sunset and 10:00 A.M., is always no wake.
- D. Sailboats, canoes, rowboats, paddleboats, any vessel not operating under mechanical power, any anchored vessel, and swimmers, always have right of way over any vessel operating under mechanical power.
- E. Chasing waterfowl with powered water vehicles is illegal, and is reason to lose lake privileges.
- F. All water skiers or persons being towed must wear a U.S Coast Guard approved life jacket while being towed.
- G. All boats pulling people must have an orange warning flag on board and show it when the person being towed is down.
- H. All boats must have a U.S. Coast Guard approved life saving device of Type I, II, or III for each person on board. In addition, every vessel shall carry at least one U.S. Coast Guard approved throw-able flotation device (Type IV).
- I. All boats must have an efficient whistle or other mechanical sound producing device.
- J. It is prohibited to stand or sit on the side edge of a moving power boat.
- K. All Member boats and Member boat operators must comply with all State of Nebraska safety rules and regulations as well as rules and regulations established by the FLA.

13. AMENDMENT

These conditions, restrictions, safety rules and regulations shall be binding on all Members/Homeowners within Fern Lake Estates, and shall be changed or amended only by a vote of the entire Membership, as provided for in the Declaration of Covenants, Conditions, Restrictions and Easements of Fern Lake. Vote to be recorded by the Secretary of FLA.

The foregoing Fern Lake conditions, restrictions, safety rules and regulations are hereby adopted and approved.

IN WITNESS WHEREOF, the Declarant has caused these presents to be executed this _____ day of _____, 200____.

RML INVESTMENTS, INC.

By: _____
Ronn A. Winqest, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this _____ day of _____, 200____, before me, the undersigned, a Notary Public in and for the State of Nebraska, personally appeared Ronn A. Winqest, to me personally known, who being by me duly sworn, did say that he is the President of RML Investments, Inc., executing the foregoing instrument, and that the instrument was signed on behalf of the corporation

NOTARY PUBLIC IN AND FOR SAID STATE

RONN A. AND MARY LOU WINQUEST

Ronn A. Winqest – Owner of Lot 1

Mary Lou Winqest – Owner of Lot 1

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this _____ day of _____, 200____, before me, the undersigned, a Notary Public in and for the State of Nebraska, personally appeared Ronn A. and Mary Lou Winqest, to me personally known, executed the foregoing instrument.

NOTARY PUBLIC IN AND FOR SAID STATE

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C & S REALTY, INC.
Owner of Lot 7

By: _____
Dick Pierson, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this _____ day of _____, 200____, before me, the undersigned, a Notary Public in and for the State of Nebraska, personally appeared Dick Pierson, to me personally known, who being by me duly sworn, did say that he is the President of C & S Realty, Inc., executing the foregoing instrument, and that the instrument was signed on behalf of the corporation

NOTARY PUBLIC IN AND FOR SAID STATE