



AMENDED AND RESTATED LAKE LATONKA RESTRICTIONS

THESE AMENDED AND RESTATED LAKE LATONKA RESTRICTIONS are made this 11th day of August, 2024, to amend and restate in their entirety those certain Lake Latonka Restrictions recorded on July 21, 1967 in the Office of the Recorder of Marshall County, Indiana as Document Number 81520 in Record RR page 172, as revised by the Marshall County Superior Court, Marshall County, Indiana, on December 18, 1978 in cause number SC-74-54, as further amended by an amendment recorded on October 19, 2001 in the Office of the Recorder of Marshall County, Indiana as Instrument Number 200108628, and as further amended by the Second Amendment to the Lake Latonka Restrictions recorded on August 28, 2008 in the Office of the Recorder of Marshall County, Indiana as Document I 200804639 and as further amended by the Third Amendment to the Lake Latonka Restrictions recorded on August 19, 2022 in the Office of the Recorder of Marshall County, Indiana as Instrument Number 202204686, (collectively, the "Restrictions"). The Restrictions pertain to the Arrowhead Addition to Lake Latonka PL004-0033, Cherokee Point Addition to Lake Latonka PL 196900004, Chippewa Forrest Addition of Lake Latonka PL196900003, Indian Hills Addition to Lake Latonka PL004-0030, and Ottawa Hills Addition to Lake Latonka PL004-0032 (collectively, the "Plats"), all which were recorded in the Office of the Recorder of Marshall County, Indiana.

The purpose of these Restrictions is to ensure, in perpetuity, (i) that the lands within the Plats constituting the Lake Latonka Community (the "Community") shall be used exclusively for attractive residential purposes, (ii) to protect the environment of the lake and common areas at Lake Latonka (the "Lake"), (iii) to maintain the attractiveness of the Community, (iv) to maintain the desirability of the Community thereby securing for all property owners in the Community the full benefits and enjoyments of their residences with no greater restrictions upon the free and undisturbed use of their lot (s) than are necessary to ensure the same advantages to other property owners in the Community. Membership in the Lake Latonka Property Owners Association (the Association") is automatically conferred upon all property owners who hold title, in fee simple, to their lot (s) in the Community, and subjects all such property owners to these Restrictions and the duly adopted rules and regulations of the Association.

SECTION 1. PROPERTY USE; COMMON AREAS

1.01 **Use.** Any private residence erected on a lot in the Community shall be for use of the property owner. The property owner is the person or entity named in the deed of conveyance or court decree. No part of the residence's premises shall be used for commercial, manufacturing purposes or other non-residential purposes without the express, written permission of the Association, provided it does not violate local zoning ordinances, and the property owner has first obtained local zoning approvals for such purposes. The foregoing restriction shall not apply to individuals who are working for their employer from home but are not receiving customers of their employer at their residence in the Community.

1.02 **Vehicles/Watercraft.** Abandoned vehicles and abandoned watercraft are prohibited from being placed or stored upon a lot in the Community at any time. Abandoned

vehicles or watercraft shall mean any motor vehicle or watercraft that has not been registered or moved for at least one (1) year.

1.03 Racing. No lot may be used for the racing or the unsafe operation of off-road vehicles, as that term is defined by Indiana Code 14-16-1-3, motocross bikes and/or go carts.

1.04 Leases. The operation of Airbnb, Vrbo or any other similar short-term rental arrangements are prohibited in the Community. Any other short term or long-term lease, other than short term or long-term leases to the property owner's immediate family members, are prohibited. When leasing the residence to an immediate family member, the property owner shall notify the Association of the lease and provide the Association with proof that the lessee has named the Association as an additional insured on its homeowners policy. The property owner shall remain liable for any loss or damage to the Association caused by any lessee under such leases. As used herein, "immediate family member" shall mean the parents, children, grandchildren or nieces or nephews of the property owner.

1.05 Parking on Common Area Lawns and Streets. It is preferred that property owners, their family and guests not park on the lawns of the Community's Common Areas, but if they do, they need to exercise care not to cause any damage to the Common Areas lawns. Property owners shall be responsible for any damage they or their family and guests might cause to the Common Areas lawns. For safety reasons and to preserve the integrity of the streets in the Community, parking is not permitted on the streets or shoulder of any of the streets of the Community if it obstructs the flow of traffic nor is parking permitted overnight on the streets of the Community or on the shoulder of any of the streets in the Community, except as otherwise provided in Section 1.06.

1.06 Parking on Property Owner's Lot. It is preferred that property owners, their family and guests not park on the property owner's lawn, provided however, the Association recognizes that some lots have less than adequate parking. Therefore, property owners, their family and guests shall be permitted to park on their lawn when having family or guests for short-term activities such as dinners, parties, meetings, or other short-term activities. Every effort shall be made by the property owner to have the family and guests avoid parking on the shoulder of streets in the Community.

SECTION 2. COMMUNITY CONSTRUCTION STANDARDS; LOT MAINTENANCE

2.01 Minimum Residence Size. Any new residence erected, placed or altered upon any lot in the Community following the date of these Restrictions shall have a minimum enclosed habitable living area of 1600 square feet on the main level with bathroom and kitchen facilities exclusive of garages or porches. Manufactured housing is expressly prohibited, however, modular housing, approved by the Association's Building Control Committee or Board of Directors ("Board") are permitted. Exterior walls shall be finished with approved siding materials approved by the Building Control Committee or Board.

2.02 Height Restrictions. No new residence or garage shall be erected more than two (2) stories above grade at the front of the lot. The side of the residence facing the street shall be deemed to be the front of any residence erected in the Community.

2.03 Completion. All structures shall be completed on the exterior within six (6) months from start of construction unless such six (6) month period is extended for good reason by the Board. If the exterior surface materials of either the residence or garage are changed, both structures shall have the same or substantially similar surface materials within one (1) year from the time the first structure's surface materials are changed.

2.04 Garages/Carports. All newly constructed residences in the Community shall have at least a one (1) stall garage. Any free-standing garage erected must conform in appearance to the property owner's residence, including exterior surface materials. A free-standing garage may be constructed on a lot other than that of the residence provided that the lot is on either side, directly across the street or directly behind that of the residence, provided however, that no garage may be constructed such that its garage doors face the Lake except as approved by the Board for good reason. Newly constructed garages shall have a driveway made of permanent materials such as concrete, asphalt or pavers. Free-standing carports are not permitted, provided, however, a carport which is integrated into the structure of a residence which has at least a one (1) stall garage are permitted, provided the design and materials are approved by the Building Control Committee or Board.

2.05 Septic. All septic tanks or other devices for the sanitary disposal of waste shall be installed in compliance with Marshall County Indiana Health Department (the "Department") regulations. A grid made of the lot showing the location of the well and septic tank is to be sent to the Department or other designated authority. No Association approval shall be issued for any new residence until an approved Marshall County Indiana Building Permit and septic permit is issued by the Department and presented to the Building Control Committee.

2.06 Seawalls. Property owners who currently have concrete seawalls or seawalls made of vinyl, wood or steel materials may retain them provided they are maintained in good condition and repair. To promote a uniform aesthetic and because these materials assist in breaking the waves and preserve the shoreline, all newly constructed seawalls shall be made of glacier stone and/or field stone.

2.07 Docks. All new docks or swimming platforms installed at the Lake must be approved by the Building Control Committee and shall be constructed of materials approved by the Committee. The property owner shall provide the Building Control Committee with a schematic of the dock or swimming platform which in no event shall extend more than thirty (30) feet from the shoreline unless that dock or platform is located in the channel area in which case neither the dock nor swimming platform shall extend more than twenty-four (24) feet from the property owner's shoreline. The property owner is responsible for always maintaining their dock and swimming platform in good repair and condition.

2.08 Solar Panels/Drones. Solar panels used to power residences may only be installed on the roof of residences at the lake by a licensed electrical contractor. Ground mounted solar panels are prohibited unless approved by the Building Control Committee or the Board on a case-by-case basis. Solar panels may be used to power boat lifts or landscape lighting without Building Control Committee or Board approval. To protect the privacy of the Community's property owners, drones or other types of surveillance devices, other than a surveillance device protecting a property owner's residence, are not permitted to be used to surveil any other property owner's

lot. Drones are not permitted in the Common Areas of the Community without the express, written permission of the Board.

2.09 Fences. To promote an open and pleasant aesthetic in the Community, fences are permitted under limited circumstances. Fences which exist as of the date of these Restrictions are permitted, provided the property owner keeps them in good condition and repair. Fences shall be placed immediately adjacent to the property owner's residence provided they are used primarily for household pets to allow them to be outdoors without being leashed or residences with young children or grandchildren needing a designated outside play area. Fence materials shall be of high-quality wood or artificial wood materials or metal fences other than chain link but in no event shall they be taller than six (6) feet in height. Other than ornamental or decorative type fences such as split rail or decorative metal on either side of the driveway, fences shall not be placed in the front yard of a lot which would enclose the front of the lot. Prior to constructing a new fence, a plan showing the location, the materials to be used and a rendering of the fence's appearance shall be provided to the Building Control Committee for review and approval.

2.10 Commercial Vehicles/Trailers. Commercial vehicles shall not be parked outside of a residence or on a vacant lot without the express written permission of the Board; provided however, they are permitted in connection with a short-term construction project, deliveries to the residence or is owned or used by the property owner in connection with their trade or business. Recognizing that there is a wide variation in lot sizes, shapes, and storage options for a particular lot, but at the same time desiring to maintain a pleasing atmosphere in the Community, property owners who do not have reasonable storage options, shall make every effort to place their boat trailer, horse trailers, or other types of trailers out of view.

2.11 Rules for the Construction Period. During the construction period, the following rules shall be adhered to by the property owner and their contractors:

- (a) No unsightly receptacle for the storage or disposal of garbage or trash shall be placed on any lot in the Community. Trash dumpsters or storage pods are permitted during construction. For the purpose of "spring cleaning" or readying a residence for sale or a construction project, a property owner may place a dumpster on their lot provided the property owner has notified the Association as to the purpose and the projected time frame for the dumpster being on the lot. In no event shall dumpsters be placed on utility easement areas or in any of the Association's roads or Common Areas without the express, written permission of the Board.
- (b) No driveway shall block or impede any natural drainage or regular water flow. Culverts shall be installed if necessary. Final grading of any lot shall not disrupt the natural flow of water or cause a drainage problem for any other property within the Community.
- (c) Any existing roads must be inspected before and after construction by the Building Control Committee, the Road Committee, and the property owner. The property owner shall be responsible for any road damage caused by the owner's construction process.

- (d) Construction trucks and equipment should not block any roadway for any extended period or for any time not necessary to the actual construction of the owner's structures.

During the construction process, all roadways should be cleared of debris including mud or stone at the end of each day. Construction by-products and scrap materials, such as paper wrappers, roofing materials and other building supplies, should be kept off adjoining properties at all times and should be cleared from the construction site in a timely fashion. Temporary structures of any kind, including but not limited to sheds, tents and trailers, are prohibited from being placed on a lot unless placed in conjunction with an established residence for which an occupancy permit has been issued and said structure is in compliance with all other restrictions set forth herein.

2.12 Lot Maintenance with Residence. Lots with a residence shall be maintained such that the lawn is cut regularly, and the lot shall remain free of trash or refuse of any kind. Landscaping on the lot shall be maintained such that any trees or bushes shall not extend into any streets which could impede the flow of traffic or cause a safety issue and any vegetation or plants growing onto an adjoining lot not owned by the property owner shall be cut back at the request of the adjoining property owner. Trees or bushes shall not extend to within three (3) feet of any of the Association's roads. The property owner is required to adhere to the requirements of this section 2.12 and the property owner's failure to do so will give the association the right, if the property owner does not correct any violations of this section 2.12 within thirty (30) days from the date of written notice from the Association, for the Association to correct such violations. The property owner shall promptly reimburse the Association for the cost associated with bringing their lot into compliance with section 2.12.

2.13 Lot Maintenance of Vacant Lot. Lots without a residence are permitted to remain in their natural state provided the lot shall remain free of trash or refuse of any kind. Trees or bushes shall not extend into any streets which could impede the flow of traffic or cause a safety issue vegetation or plants growing onto an adjoining lot not owned by the property owner shall be cut back at the request of the adjoining property owner. Trees or bushes shall not extend to within three (3) feet of any of the Association's roads. The property owner is required to adhere to the requirements of this section 2.13 and the property owner's failure to do so will give the association the right, if the property owner does not correct any violations of this section 2.13 within thirty (30) days from the date of written notice from the Association, for the Association to correct such violations. The property owner shall promptly reimburse the association for the cost associated with bringing their lot into compliance with section 2.13.

SECTION 3. SETBACKS

Any new structure erected following the date of these Restrictions must be set back not less than thirty (30) feet from the right-of-way lot line and not less than thirty (30) feet from any side street right of way line. Sideline setbacks shall not be less than ten (10) percent of the width of the lot. In addition, any structure erected, excluding accessory structures, must be set back a distance of at least fifty (50) feet from the waters of the Lake or such distance required by local zoning requirements, whichever is greater. For lots without Lake frontage the rear lot line is setback shall be twenty (20) feet. This provision is subject to any future changes in the Marshall County, Indiana Zoning Ordinances.

SECTION 4. SIGNS

No commercial signs or advertising devices of any kind shall be placed upon any lot in the Community except for a "For Sale" sign on the property owner's lot during the listing period for such lot. Flags, posters, and other signs located on a property owner's lot are permitted provided they do not contain any obscene or indecent information.

SECTION 5. MAINTENANCE FUND

To maintain and improve the Community, on May 1 of each year, the property owner of each lot shall pay to the Association an annual assessment in such amounts as are duly adopted or assessed by the Association. Such funds are to be used for maintenance and improvement of the Common Areas in the Community and administrative costs incidental to the management of such account.

Annual payments shall be a lien upon each lot, and if not paid by May 15 of each year, the Association shall have the power and authority to foreclose upon such lien in accordance with Indiana law and such delinquent property owner shall be responsible for the Association's attorney's fees and other costs incurred to enforce such lien.

SECTION 6. EASEMENTS

Easements for the installation and maintenance of public utilities or drainage facilities are reserved along and within five (5) feet of all rear, front and side lot lines in this Community as may be depicted on any of the Plats or replats of any of the Plats. Such other easements are hereby reserved to enter upon the lot if necessary to construct, operate and maintain any other public improvements, poles, wires, etc., whether under or above ground. It shall not be considered a violation of the provisions of the easement if wires or cables carried by such pole lines pass over some portion of said lots not within the five (5) foot easement. If an owner of two or more adjoining lots erects a structure upon the lots such that the structure sets on a common lot line, the sideline restriction mentioned above shall automatically be inoperative as to any line upon which the structure is erected.

SECTION 7. AMENDMENT

These Restrictions may be amended by the Membership of the Association at any annual, regular or special meeting of the Membership upon the affirmative vote of a majority of Membership present at a meeting, who are entitled to vote, and where the notice for such meeting states that consideration of amendment of the Restrictions is a purpose of the meeting and where the notice is accompanied by a copy of the summary of the amendment or states the general nature of the amendment. Upon the adoption of any amendment, the amended restrictions shall be recorded in the Office of the Marshall County Indiana Recorder.

SECTION 8. DURATION OF COVENANTS

These Restrictions shall run with the land in perpetuity and shall be binding upon all persons claiming an interest in and to the land covered by these Restrictions.

SECTION 9. ANIMALS

Only a reasonable number of domestic house pets under leash or other control shall be allowed to be housed or otherwise maintained on the property owner's lot. When property owners are walking their dogs, they shall either be leashed or wearing a shock collar.

SECTION 10. PRIVATE LAKE

The Lake is designated as a private lake and as such the right to use and control remains with the Association. To control the use of the Lake, and thereby benefit all the Membership, the waters of Lake, and the lands normally flowed and covered by the Lake at its highest level shall be owned by the Association. Lots which abut or border on the waters of the Lake shall not include any riparian rights in and to said waters or to the lands below said waters.

SECTION 11. LAKE RULES

11.01 All recreational sporting activities at the Lake (Fishing, Ice Fishing, Swimming, Boating, Skiing, Tubing, etc.) are at the property owner's and their guest's sole risk and the Association is not responsible for any injury, death or damage resulting from such activities. The Association does not employ or utilize any lifeguards.

11.02 Only motorized and nonmotorized watercraft belonging to the property owner and displaying the appropriate Association stickers for the current year are allowed on the Lake. All motorized watercrafts must be registered with the Association.

11.03 All motorized watercrafts must display two (2) current year Association stickers, affixed to the front right and left sides (bow) of the watercraft. The property owner must supply proof of ownership of motorized watercraft. A property owner may have a maximum of three (3) registered motorized watercraft. Any additional registered motorized watercraft beyond three (3) must be approved by the Board.

11.04 All motorized watercrafts shall travel the lake in a counterclockwise pattern, and turns are to the left. If there is a need to cross the lake, the driver should take a direct perpendicular path.

11.05 Boat "Wake Hours" are from 11am to 7pm, seven days a week. During Wake Hours, the maximum watercraft speed allowed is 35 MPH except in designated no wake zones and within 75 feet of the shoreline.

11.06 "No Wake Hours" are from 7:01pm to 10:59am. During No Wake Hours, motorized watercraft shall not exceed 5 mph with the goal of creating no wake.

11.07 Recreational watercraft activities such as water skiing and tubing are permitted during Wake Hours. A qualified driver and observer MUST be in the watercraft when towing a skier, tuber etc.

- (a) A qualified driver must have a legal state issued driver's license or if they are 15 years old or do not have a valid driver's license, must successfully complete a

boater education course through a state agency. It is recommended that all watercraft operators take a boater education course either through a state agency or the United States Coast Guard.

(b) The observer must be at least 12 years old.

11.08 Watercraft may not pull more than two (2) skiers, wakeboarder or "water tube devices" at a time.

11.09 When the watercraft is in motion, sitting on gunnels, the back of seats, riding on the bow, or standing in the watercraft are not permitted.

11.10 All skiers, wakeboarders and tubers must wear a Coast Guard approved life jacket/vest.

11.11 Pursuant to Federal law, anyone under the age of 13 in all moving motorized watercraft shall wear a life jacket while such watercraft is underway.

11.12 All motorized watercraft on the Lake after dark must be equipped with and utilize appropriate lights.

11.13 Jet skis and wave runners (Personal Watercraft or PWCs) are not permitted on the Lake.

11.14 Other than the current owner/operators of wake boats currently owned and operated at the Lake as of the date of these Restrictions, no other owner/operators of wake boats will be permitted at the Lake. In the event a current owner/operator of a wake boat replaces their wake boat, they are permitted to do so provided the replacement wake boat does not generate a wake greater than their current wake boat. Wake boat owners may continue to ski, tube or otherwise operate their wake boats on the Lake but without using the wake surfing feature which is strictly prohibited. Once the owner of the wake boat sells their existing property, that property will not be permitted to own a wake boat at the Lake

11.15 Ice fishing is permitted on the Lake by a property owner and property owner's guests who must always be accompanied by the property owner. Ice fishing shall be at the property owner's and the property owner's guest's sole risk. Ice fishing shelters/shanties owned by a property owner are permitted. Shelters/shanties must have the property owner's name, lot number and phone number on the outside of the shelters/shanties. Shelters/shanties should not be left unattended for more than 12 hours. Property owners are limited to having three (3) guests ice fishing at one time except with the express, written permission of the Board.

11.16 No open fires are permitted on the ice of the Lake.

11.17 Motorized vehicles (snowmobiles, motorcycles, 4 wheelers, golf carts, side by side, etc.) are not permitted on the ice of the Lake.

11.18 An Owner using nonmotorized watercraft (i.e., kayaks, canoes, row boats, paddleboards, etc. must have a current year Association sticker attached to the nonmotorized

watercraft (specific sticker). Nonmotorized watercraft shall stay within 100 feet of the shoreline during Wake Hours (11am-7pm).’

11.19 Home Aerators are to be managed by the property owner and are operated at the property owner’s sole risk. The Association shall not be liable for any death, injury or damage resulting from the property owner’s use or placement of an Aerator.

- (a) It is recommended that Aerators only be used when ice is forming and melting.
- (b) Aerators should not be left running 24/7 but controlled by a thermometer timing device
- (c) Aerators must have proper signage
- (d) Aerators shall not cause any opening in the ice more than 20 feet out from the property owner’s pier when the Lake is frozen.
- (e) Aerators must be placed under the property owner’s dock and on the lake bottom.

11.20 Due to ongoing changes in boating technology and manufacturing, the Board shall from time to time review the appropriateness of certain new types of watercraft, from an environmental and safety perspective, and shall recommend to the Membership at any regular, special or annual meeting, the types of new watercraft, if any, that should not be permitted on the Lake, subject to the Memberships’ approval and a list of prohibited watercraft shall be published on the Association’s website, as they same may be amended from time to time by the Membership.

11.21

Except as provided herein, all other Indiana Boating and Fishing Laws and Regulations are to be followed on the Lake. Please refer to www.in.gov for all Indiana Boating and Fishing Laws.

SECTION 12. BUILDING CONTROL COMMITTEE

The Building Control Committee is a committee of the Board of the Association, appointed in accordance with the Association’s Bylaws. The Building Control Committee shall review a property owner’s application when the property owner is planning to construct any structure on their lot in the Community, including the construction of a new residence, any additions thereto, garages, accessory structures, seawalls, docks, piers and fences. The property owner’s application shall include the plans, specifications, and a rendering of the improvements being proposed. Such application shall be submitted to the Building Control Committee for approval prior to the commencement of construction and approval must be obtained before construction may begin. If approved, the property owner shall not deviate in any material way from the materials contained in the application without first reviewing any such changes with the Building Control Committee. Acceptance or rejection of the application is within the discretion of the Building Control Committee and plans may be rejected for any reasonable reason, including but not limited to, the reason that there is too great a similarity between existing neighboring structures and the proposed structure. Notwithstanding the foregoing, if the Building Control Committee rejects the property owner’s application, the property owner shall have the right to appeal the decision to the Board

providing the Board with such additional materials as the Board may reasonably request in order to make a final determination.

SECTION 13. BEACH RULES

13.01 No animals are permitted at the Association beach or in the Association's designated swimming area.

13.02 No alcoholic beverages are permitted at the Association beach at any time.

13.03 No glass containers are permitted at the Association's beach.

13.04 No swimming or parties are permitted at the Association's beach after sunset unless it is an Association sponsored event.

13.05 Property owners and their guests shall remove all trash before leaving the Association beach.

13.06 No fires are allowed in the Association beach area except in the designated grilling units.

13.07 Fishing is not permitted in the Association beach area other than from Association docks provided one does not cast their line into the designated swimming area.

13.08 No vehicles are allowed beyond the Association beach signs.

13.09 Swimming at the Association beach is permitted only in the buoy areas. No lifeguards are available, as swimming is at the property owner's and their guest's risk. Adults must supervise their children and guests.

13.10 Each property homeowner shall follow and shall require each of their guests to follow all of the beach safety rules. .

SECTION 14. PARK RULES

14.01 Please keep the restrooms/Joy Johns clean. They will be closed or removed if abused.

14.02 Play on the park equipment at your own risk. Property owners must supervise their children and guests.

14.03 When using the park, remove all trash. No open fires are permitted except in designated grilling units.

14.04 Each property homeowner shall follow and shall require each of their guests to follow all the park safety rules.

14.05 No vehicles are permitted inside the park area.

14.06 The park closes at sunset.

SECTION 15. GENERAL RULES

15.01 Property owners and their immediate families (parents and children) are allowed on the Common Areas (Lake, beach, park, boats, etc.) at all times, unless otherwise prohibited by these Restrictions. The property owner must accompany friends or relatives (aunts, uncles, cousins, etc.). Everyone should know their lot number and subdivision name so his or her residency can be verified.

15.02 Any property owner desiring to bring a large group to the Association Park or beach area should contact the park chairperson. All users of the Association beach or park are responsible for any damage and cleanup of such areas.

15.03 The Lake is designated as a residential lake community. Firearms shall not be discharged at the lake for the purposes of hunting or pest control.

15.04 The speed limit on all roads for all motorized vehicles at the Lake is 15 miles per hour.

15.05 The Association dam is a restricted area. The State of Indiana mandates that no fishing or vehicles or pedestrian traffic is allowed in this area at any time.

15.06 Operation of snowmobiles, golf carts, and off-road vehicles, as that term is defined by Indiana Code 14-16-1-7 (four wheelers, three wheelers, dirt bikes, etc.), on Association roads and Common Areas is restricted to property owners and their immediate family. Association Membership must abide by all Indiana snowmobile and Off-Road Vehicle Laws and of Natural Resources. Snowmobiles and off-road vehicles may only be operated by property owners and their immediate family from the hours of 7:00 a.m. to 11:00 p.m. All snowmobiles, golf carts, and off-road vehicles must also be identified by a current Association sticker with lot number clearly visible and be equipped with a four (4) foot high orange, fluorescent flag if the vehicle has a seat height of 20 inches or less.

15.07 Persons using portable toilets/Joy Johns during the construction period shall maintain their cleanliness at all times. No person shall operate power equipment, including but not limited to power lawn mowers and other power yard or garden tools or machinery, in a manner that creates or causes a noise disturbing to the peace and comfort of the neighbors between 11:00 p.m. and 7:00 a.m. The operation of any such instrument, power equipment, machine or device as described above in such a manner as to be plainly audible on any adjacent or adjoining property, shall be credible evidence of a violation unless specifically permitted by ordinance or by state or federal law. For purposes of this subsection, PLAINLY AUDIBLE means any sound which can be heard by unimpaired auditory senses; however, words or phrases need not be discernible and said sound shall include bass reverberation.

SECTION 16. ENFORCEMENT AND FINES

The Association under its Bylaws and these Restrictions has the authority to levy fines for violation of any of the covenants, conditions and rules contained in these Restrictions. In addition, the

Association shall have the right to seek injunctive relief. On an annual basis the Board shall present to the Membership a schedule of fines and penalties for violations of these Restrictions which upon approval by the Membership at any regular, special, or annual meeting, may be published on the Association's website or in the Association's Spring Newsletter or by other electronic means. Once the notice, (hereafter referred to as the "Original Notice"), has been sent to the property owner, the fine shall be paid within thirty (30) days of the date appearing on the Original Notice. If not paid or appealed within that thirty (30) day period, the fine will be trebled. If the trebled fine is not paid or appealed within sixty (60) days of the date appearing on the Original Notice, the Association may place a lien on the property owner's lot and commence foreclosure proceedings. The Association shall recover as part of its damages its attorneys' fees, and court costs. In the meantime, while the fine or trebled fine remains unpaid, the property owner shall have no use of the Common Areas, which include the Lake, Association beach and park. The property owner shall have the right to appeal the loss of privileges of using the Common Areas within ninety (90) days of the date appearing on the Original Notice to the Board and shall have the right to present evidence clearly demonstrating the property owner has not violated these Restrictions. Property Owner's shall send their appeal to either the Association's mailing address: LLPOA 18427 Latonka Trail, Culver, IN 46511 or to the Association's email address: LLPOA2013@gmail.com.

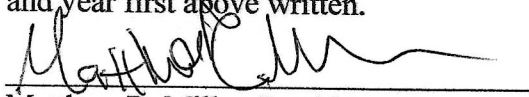
SECTION 17. PREVAILING PARTY ATTORNEYS' FEES

Should litigation arise in law or in equity due to any violation of these Restrictions, the prevailing party shall be entitled to their reasonable attorney's fees and costs incurred in such action.

SECTION 18. SEVERABILITY

Invalidation of any one of these covenants contained in these Restrictions by judgment or court order shall in not affect any of the other provisions contained in these Restrictions which shall remain in full force and effect.

IN WITNESS WHEREOF, the President of the Board of Directors of Lake Latonka Property Owners Association, in furtherance of the vote of the Association Membership approving such Amended and Restated Lake Latonka Restriction, has caused this instrument to be executed and submitted for recording to the Office of the Recorder of Marshall County Indiana, as of the date and year first above written.


Matthew R. Miller, President

STATE OF INDIANA

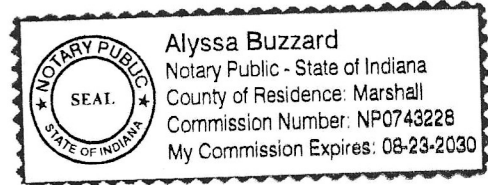
COUNTY OF MARSHALL

I, a Notary Public, hereby certify that Matthew R. Miller, as the duly elected President of Lake Latonka Property Owners Association, whose name is signed to the foregoing instrument or conveyance, executed the same before me on this day that, being informed of the contents of the instrument or conveyance, he executed the same voluntarily on the day that bears the same date.

Alyssa Buzzard
Signature of Notary Public

(Seal, if any)

My Commission Expires: 08-23-2030



Affirmation Statement

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Alyssa Buzzard
Signature

Alyssa Buzzard
Print or Type Name

This instrument was prepared by Patrick T. McFadden, attorney at law,

1405 Sunwood Drive, South Bend, Indiana 46628

Upon recording, this instrument shall be mailed to Matthew Miller, President, Lake Latonka Property Owners Association, 18427 Latonka Trail, Culver, Indiana 46511