

Oxbow Shores Property Owners Association Deed of Restrictions

NORMAN A. GOTSCHALL, and LEW A. KIDDER, both single men, of Baldwin Michigan, 49304.

TO

All future owners of lots in the plats of Oxbow Shores and Oxbow Slopes, located in portions of Sections 21 and 22, Township 17 North Range 14 West, Lake Township, Lake County, Michigan.

Dated: February 16, 1973

Recorded: 9/17/73

Liber: 119

Pages: 154-158

Norman J. Gotschall and Lew A. Kidder, both single men, of Baldwin, Michigan hereinafter called the GRANTORS, are the owners and developers of certain real property in Sections 21 and 22, Township 17 North, Range 14 West, Lake Township, Lake County, Michigan, to be known as the plat of Oxbow Shores and the plat of Oxbow Slopes. The GRANTORS desire to establish a general plan for improvement and development of this real property, and to secure the enforcement of uniform restrictive covenants upon the usage and development of the real property within the plats of Oxbow Shores and Oxbow Slopes.

Therefore, the GRANTORS do establish the following conditions and restrictions for the Plats of Oxbow Shores and Oxbow Slopes:

1. All restrictive covenants, as listed herein are subject to compliances with the State of Michigan and the County of Lake health ordinances, zoning regulations, and any other duly enacted law or regulation.
2. All restrictive covenants, as listed herein, shall run with the land and remain in full force and effect as follows:
 - a. This DEED OF RESTRICTIONS shall be construed as a minimal set of restrictions, and shall not be diluted or rescinded in any way. Restrictions may be added from time to time by action of the Oxbow Shores Property Owners Association.

*Changed per First Amended Deed of Restrictions

** Changed per Second Amended Deed of Restrictions

****Added per Third and Fourth Amended Deed of Restrictions

***** Changed per Fifth Amended Deed of Restrictions

- b. The restrictive deed covenants listed under paragraph 7(i) (1)-7(i) (4) inclusive of the DEED OF RESTRICTIONS shall be binding for perpetuity and shall not be altered or amended in any way.
3. The Oxbow Shores Property Owners Association or any individual lot owner in the plats of Oxbow Shores or Oxbow Slopes shall have the right to take appropriate legal action to enforce any and all restrictions and amendments imposed upon the plats of Oxbow Shores and Oxbow Slopes by deeds of restrictions recorded with the Lake County Registrar of Deeds, Lake County, Michigan.*
4. Severability. Invalidation of any one of these covenants by judgment or court order shall in no way affect the validity of any other provision in this DEED OF RESTRICTIONS.
5. Green Belt. Every lake front lot in these subdivisions shall have a green area, 50 feet in width and extending inland from the lake front lot line. The following uses shall be prohibited within this green belt area:
 - a. No building shall be erected in this area.
 - b. No natural or artificial fertilizers shall be used in this area.
 - c. No natural or artificial sprays shall be used on the ground or trees in this area.
 - d. No tree shall be cut unless it measures less than 3 inches in diameter 1 foot above ground or is dead or diseased. Tree pruning is permitted in this area to a height of 15 feet above the ground.
 - e. The Oxbow Shores Property Owners Association* may allow exceptions to these restrictions if the enforcement of the restrictions would cause an unreasonable and unjust result.
6. Use of the Lakes. All lot owners within the subdivisions of Oxbow Shores and Oxbow Slopes shall have the use of and access to Orchard Lake, Rainbow Lake, Reed Lake, and Oxbow Lake. This right of access and use shall be subject to the following restrictions:
 - a. Each lot shall not have more than one (1) dock and more than one (1) raft
 - b. As a clarification, no internal combustion outboard motor shall be used on Oxbow Lake at any time. This restriction does not apply to snowmobiles.*****
 - c. No dredging or filling in the flood plain* shall be permitted without the written consent of the Michigan Department of Natural Resources.
 - d. All owners of back lots in the subdivision of Oxbow Shores and Oxbow Slopes shall have the right of access to Rainbow, Orchard, Reed, and Oxbow Lakes only on and through the private parks as designated in the subdivision.

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- e. The application of MDEQ-approved chemicals may be applied to lake perimeters within Oxbow Shores and Oxbow Slopes, for the eradication of invasive and exotic weeds, provided a valid permit has been obtained from MDEQ for such application, and that all MDEQ weed control application guidelines and requirements are met.****

7. Building Restrictions.

- a. No mobile homes, travel trailers, motor homes, pick-ups with camper tops, tents, or other non-permanent devices, or structures used for residential purposes or for camping shall be erected or maintained on lots within these subdivisions except as set forth in sub-paragraph (b) of this section.**
- b. A mobile home may be used as temporary quarters during the erection of a dwelling on an individual lot. This privilege shall be limited to one such occasion and shall not exceed six months in duration. This period shall not begin more than seven days before erection of the dwelling is actually begun. Mobile homes so used shall have property sanitary facilities and be kept clean and neat at all times.
- c. The exterior of any building shall be finished within a six-month period after construction on it has actually begun.
- d. Celotex, tar paper, and other soft materials shall not be used as finishing materials for the outside of buildings, nor shall unpainted cement blocks be suitable finishing material for outside of buildings.
- e. All dwellings shall contain at least 480 feet of floor space on at least one (1) floor.
- f. No bus or converted bus shall be placed or used on this property in any way, shape, or manner.
- g. The following colors shall not be used, except as trim on the exterior of buildings within the subdivision: pink, white, bright red, bright yellow, and purple.
- h. Only one (1) domicile shall be erected on any one (1) lot.
- i. Buildings within the areas affected by the flood plains shall:
 - i.1) Have lower floors, excluding basements, a minimum of one foot higher than the elevation of the contour defining the flood plain limits.
 - i.2) Have openings into the basement not lower than the elevation of the contour defining the flood plain limits.
 - i.3) Have basement walls and floors, below the elevation of the contour defining watertight and reinforced to withstand hydrostatic pressures from the water level equal to the elevation of the contour defining the flood plain limits.

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i.4) Be equipped with a positive means of preventing sewer backup from sewer lines and drains which serve the buildings.

8. Oxbow Shores Property Owners Association. All lot owners within the plats of Oxbow Shores and Oxbow Slopes shall belong to and adhere to the BY-LAWS of the Oxbow Shores Property Owners Association, and therefore every individual member, shall be charged with the following duties, and the Oxbow Shores Property Owners Association shall levy and collect annual dues from each individual lot owner sufficient to meet these obligations:

- a. To clean and maintain the park facilities throughout the Oxbow Shores subdivision on a regular basis.
- b. To employ a watchman for cottage patrol during the months of September through May.
- c. To maintain and enforce, by legal action if necessary, the restrictions, within this DEED OF RESTRICTIONS.
- d. To take all other action which the Association may feel necessary and desirable.

9. Sanitary Regulations.

- a. All individual sewage disposal systems shall be installed to be in compliance with Article IV of the "Sanitary Code of District health Department #5."
- b. All individual water wells shall be installed to be in compliance with Article VII, part 7.2 of the "Sanitary Code of District Health Department #5."
- c. No septic tank or dry well shall be placed between the dwelling it serves and the lakefront line of the lot on which the dwelling is erected.
- d. No outdoor privies shall be permitted.
- e. No non-degradable detergents shall be used within this subdivision if they have a phosphate content of more than 5%.
- f. No lot owner shall permit the accumulation of more than thirty gallons (3) of refuse, trash or other solid waste on his property at any one time. All solid waste material shall be packaged in containers which conform with applicable rules of the local Department of Health.
- g. The point of each water well shall be submerged at least 30 feet into the same vein of water from which the well is extracting.

10. Signs.

- a. **10.a. deleted in First Amended Deed of Restrictions*

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- b. Each lot owner may place one sign on his lot displaying his name. This sign shall be neatly lettered and shall not exceed 200 square inches in total size.
- c. Except as stated in paragraphs (a) and (b) above, no lot owner shall place any sign whatsoever within two (2) miles of the plat of Oxbow Shores and Oxbow Slopes.

11. Additional Use Restrictions.

- a. No animals, other than ordinary domestic pets, shall be kept or maintained on any lot in these subdivisions. A riding horse shall be considered an ordinary domestic pet, but no riding horse shall be kept or maintained on any lot or contiguous lots having a total area of less than sixty thousand (60,000) square feet of property owned by him. No horse shall be stabled within 200 feet of any lake.
- b. Except as stated in the Lake Township Zoning Ordinances, no lot in these subdivisions shall be used for any commercial or industrial purposes. This provision shall not apply to Lot 41, plat of Oxbow Slopes.

12. Utility Easements. The GRANTORS hereby reserve an easement for utility purposes over and across a ten (10) foot strip abutting both sides of every public roadway within the subdivisions of Oxbow Shores and Oxbow Slopes. Within this easement, no structure, wall, fence, or other obstruction shall be constructed, placed, or permitted to remain thereon.

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In witness hereof, Norman J. Gotschall and Lew A. Kidder, have caused their names to be affixed this 16th day of February, 1973.

Lori Ann Bayak

Norman J. Gotschall

Darlene K. Radtke

Lew A. Kidder

STATE OF MICHIGAN)
COUNTY OF LAKE) SS

On this 16th day of February, 1973, before me, a Notary Public in and for said County, personally appeared Norman J. Gotschall and Lew A. Kidder, known to me to be the persons who executed the above DEED OF RESTRICTIONS, and to make oath that their execution thereof was their own free act and deed.

Cinda Keen Rock

My commission expires:
September 12, 1976.

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