



TANAGER

Rules and Regulations for Lake Use

Revised 3/15/2021



Tanager Lake Rules and Regulations

These Lake Rules and Regulations are a part of the Rules and Regulations applicable to Tanager Development, Bend, Oregon ("Tanager"), as adopted by action of the Board of Directors ("Board") of the Tanager Development Homeowners Association ("Tanager HOA" or "HOA") pursuant to the authority given to the Association in the Declaration of Covenants, Conditions and Regulations for Tanager Planned Development ("Declaration") and the Easement Maintenance Agreement ("EMA"). These Lake Rules and Regulations include changes adopted by the Board as of the date listed and all persons reviewing these Lake Rules and Regulations are encouraged to contact the Board to determine whether there is a more current or revised set of Lake Rules and Regulations applicable to Tanager. Tanager consists of 21 lots and Common Area Tracts. The Common Area includes a water ski lake ("Ski Lake"), which includes an island at each end of the Lake ("Islands"), as well as a second lake ("North Lake"), which is not for motorized boating. The definitions included in the Declaration and EMA are incorporated into these Lake Rules and Regulations, and are the primary documents governing Tanager.



1. GENERAL LAKE USAGE

We are fortunate to have two lakes in the Tanager Development, including the Ski Lake and the North Lake. It is a rare right to have a private lake to use for water skiing and other water sports, so we must take care to use it effectively and safely to ensure that we can all continue to enjoy this right for many years to come.

The Ski Lake is built for motorized boating recreation, including water skiing, wakeboarding, and wakesurfing by Permitted Users in the Tanager Development and their guests. As such, any use of this lake by Towboats for these activities takes priority over any other use of the Ski Lake. All owners in Tanager must not take any action that would jeopardize, demote, or otherwise restrict the usage of the Ski Lake for motorized boating recreation. Permitted Users have the right to use the common areas of the Ski Lake, including the Ski Lake, parking lot, boat ramp, day-use docks, Beach and Picnic Area. The six boathouses are not common area and are exclusively for use by those Permitted Users that lease them from KC Development Group LLC.

The North Lake is for non-motorized recreation by Permitted Users in the Tanager Development and their guests. This can include, but is not limited to: swimming, fishing, kayaking, Stand Up Paddleboarding (SUP), and other forms of non-motorized recreation. Permitted Users have the right to use the common areas of the North Lake, including the North Lake, parking lot, and common area dock on the south side of the North Lake. The three additional docks that are associated with the three lots on the North Lake are not common area and are exclusively for use by the owners of those lots.

2. GUESTS

Permitted Users are allowed to bring invited guests to use the common area amenities of the Tanager Development, but the Permitted User must be present.

3. TOWBOAT SPECIFICATIONS AND OPERATIONS

Towboats to be operated on the Ski Lake shall be Inboard Type, either Direct Drive or V-Drive.

Towboats are limited to 22 feet in length or less. Larger boats are too large to fit on the Ski Lake and pose significant risk of damage to the Ski Lake and shoreline.

Ballast systems are allowed. However, the towboat must not produce a wake that overflows the top of the rock shoreline nor cause any damage or erosion to the lake or shoreline. The Operator is responsible for choosing the proper amount of ballast to prevent damage. The Owner is responsible for all damage to the Ski Lake caused by wake or other physical damage from the towboat according to Section 2.5 of the EMA.



Towboats must be fitted with exhaust muffling and devices which ensure that exhaust is vented underwater at all operating speeds, such as exhaust turndowns, Fresh Air Exhaust (FAE, www.freshairexhaust.com), or equivalent. In addition, all Towboats must be equipped to produce a decibel level of 71 dB or less at a distance of 100 feet as measured perpendicular to the craft operating at a speed of 36 miles per hour. Measurements shall be obtained using a Larson-Davis Laboratories (LDL) Model 800B (or equivalent) precision integrating sound level meter with one-inch air condenser pressure-response microphone oriented at a grazing angle of incidence to the noise source.

Sound systems in boats may be used, but no tower speakers or other speakers that direct sound outside of the boat may be used. The sound system must be kept at a level that cannot be heard beyond 50 feet from the boat.

All Towboats shall be registered with the Board prior to initial use on the Ski Lake. The Board may require such safety or other inspections from time to time as the Board deems necessary, but the Boards' right to require or the actual occurrence of such the Board or inspections shall not be deemed to create or impose an obligation on the Board or the Association to conduct such inspections or otherwise ensure the safety of Towboat or other equipment operating on or in connection with the lake. Towboat qualifications shall be set forth by the Board, or the Board may use guidelines established by the American Water Ski Association (AWSA) or a similar qualified sanctioning organization.

All towboats must obtain liability insurance of at least \$1MM per occurrence for personal injury and property damage. KC Development Group LLC and Tanager Development HOA are to be named as additional insured. Written verification of said insurance must be submitted to the Board prior to use.

Visiting Towboats shall be registered with the Board prior to initial use on the Ski Lake. Visiting towboats must obtain insurance of the same type and amount as does a Lot owner. KC Development Group LLC and Tanager Development HOA to be named as additional insured. Written verification of said insurance must be submitted to the Board prior to use.

Towboats must be fully equipped with:

- A. An operational, fully charged extinguisher which shall be in an accessible location at all times during boat operation,
- B. An operable bilge pump,
- C. An operational blower,
- D. A rear view mirror



- E. An operable horn
- F. Operational running lights
- G. Flag

Other Motorized Water Craft: Except for approved towboats, no motorized water craft shall be permitted to use the Ski Lake without the specific written permission of the Board. Jet skis and similar water craft will not be permitted.

4. THE USE OF THE SKI LAKE BY A TOWBOAT

Only one towboat or water craft may be operated on the active area of the Ski Lake at any time. There may be additional boats parked or waiting for their rotation in the boat harbor area.

No towboat may be operated between the hazard buoys and the shoreline and in no case closer than 50' from the shoreline except around the turn islands. This is to prevent damage to the towboat and to prevent puncturing of the lining of the lake.

Boat speed: A "no wake" speed for boats shall be maintained in the boat harbor area.

Wake Enhancing Devices and Owners Responsibility: Wake board boat Owners shall be responsible for any shoreline erosion damage and any damage to the Common Area Docks and shall be liable for the cost of repair of same, pursuant to section 2.5 of the EMA.

Life jackets: Per State Law and Oregon Regulations – an approved personal flotation device (PFD) is required for each person and to be worn or placed so it is readily accessible for immediate use. Children 12 and under must wear a PFD at all times. All skiers, wakeboarders, wake surfers, etc. must wear a PFD at all times while in the water.

Use of the Ski Lake shall be on a rotational basis to ensure fair allocation of skiing time. Each boat in the rotation shall be given 15 minutes in the rotation if there are other boats waiting. Operators and skiers are responsible for keeping track of their own time.

If a Permitted User wishes to use the Ski Lake, but there is already another boat using the lake, then the waiting User will place the designated flag in the designated holder at the end of the southernmost dock in the boat harbor. This will indicate to the person using the lake that there are one or more boats waiting. This also begins the 15 minute rotation for the boat already on the lake, regardless of how long that boat had already been out there prior to placing the flag.

If there are multiple boats waiting in the boat harbor, then those Users will work it out among themselves as to which order they will go in. When the boat that is on the lake ends their turn on the lake, then they will go to the back of the line of those waiting in rotation. Once the last



person has exited the rotation and no boats are waiting, it is up to that last waiting User to put the flag back down.

Upon your turn, your boat should be on the lake immediately upon the end of the previous rotation. Rotation timing ends and begins as the previous boat re-enters the boat harbor. The next rotation has up to three minutes to be on the Lake as part of their fifteen-minute rotation. In the event that the next rotation boat is not on the lake after three minutes, they shall lose their rotation and the following boat rotation begins. All efforts should be made to be on the lake as soon as the previous rotation is ending.

Each Lot is allowed one spot on the rotation. Multiple skiers or boats from any particular Lot shall not alter the rotation. (For example, assume that Lot 4 and Lot 5 are the only Lots wanting a rotation. If Lot 4 has two waiting boats or skiers, the second boat or skier from Lot 4 shall not make their rotation until the Lot 5 skier has completed their rotation). Multiple boats or skiers from one Lot who desire to use the Lake at the same time shall resolve that conflict in the manner they agree upon, but in no event shall that entitle that Lot to more than one 15 minute increment in the rotation of all Lots whose Permitted Users express a desire to use the Lake in rotation.

If the rotation flag is not in use (nobody waiting) then that rotation need not be timed nor end their rotation turn within the fifteen-minute limit; in this case the rotation timing (15 minutes) shall begin when the rotation flag is properly placed for rotation consideration.

The boat driver and skier both share the responsibility of timing their rotation.

If replacement of a buoy requires timely attention (red turn buoy or red timing buoy or green timing buoy) then that time shall not be counted against the rotation of the Lot.

It is the responsibility of the user that have damaged/dislodged any buoy/guides to properly repair the course. If the buoy in question is a turn buoy or a timing buoy then that repair needs to be accomplished before the end of their rotation.

5. SLALOM COURSE USAGE AND DRIVING PROCEDURES

- A. The Ski Lake is outfitted with a sinkable slalom course, with controls located at the southern dock in the boat harbor.
- B. Slalom course may only be used for slalom skiing. No wakeboarding, wakesurfing, or other activities maybe be performed while the course is up. The sinkable slalom course must put in the “down” position for all other activities.
- C. Entering the Slalom Course: All boats shall enter the slalom course from either the North or South starting gates. Mid-course entries shall not be permitted.



- D. Returning to a Fallen Skier: Upon observing that a skier has fallen during their pass through the course, the boat driver will:
 - a. Slow the boat to an idle speed while still in the guide buoys;
 - b. Boats will maintain an idle speed when circling in the course and returning back to the skier;
 - c. Caution must be taken not to entangle buoys with the ski line;
 - d. When returning back to the fallen skier, the skier must be on the driver's side of the boat
- E. Visibility of the Driver: The driver shall have an unobstructed view of the skier at all times
- F. Turn Island Driving Pattern: Only a clockwise driving pattern will be permitted around the turn islands. Boats are cautioned to hold a course centered between the island and the shoreline to avoid damage to the prop and hull, or damage to the Ski Lake.
- G. Skier Position Around the Turn Island: Skiers must remain inside the wake when skiing around the turn island, or directly behind the boat just outside the wake. Skiers shall not swing wide around the turn island in order to avoid getting near the shoreline.
- H. Rope Shortening Location: The proper location for shortening the ski rope after a pass will be just prior to entering the turn island
- I. Buoy and Bungy Cord Replacement: The proper method for installing buoys, magnets, and bungy cords will be demonstrated by the Safety Committee (Board)
- J. Barefoot skiing: Barefoot skiing will not be permitted on the Lake unless, on an individual basis, it is approved by the Board and then only if the proper protective barefoot suit is worn by each participant.
- K. Dock Starts: Dock starts will not be permitted.

6. BOAT STORAGE

All Towboats shall be stored either:

- A. On a mechanical lift in one of the six leased boathouses; OR
- B. Stored inside the Owner's garage with the garage door closed

At no time shall boats or trailers be stored on the street, in driveways or in side yards. The remaining docks in the boat harbor are for community use. Towboats may be left in the harbor overnight for a maximum of 72 hours at one of the available community docks on the west side of the harbor. Towboats may not be stored overnight at the dock on the east side of the harbor



adjacent to the boat ramp nor at the long southernmost dock. These two docks are for day use only, and all boats must be removed from these two docks at the end of each day.

7. THE OPERATOR QUALIFICATIONS

Only Permitted Users, one of whom must be in the boat or being towed, may use boats on the Ski Lake in the ski rotation. Permitted Users shall be defined as deeded Lot Owners, Land Lease Owners, and immediate family members (children) of Owners under the age of 25, but boat drivers must be at least age sixteen (16). Permitted Users described below:

1. Lot Deeded to Individual(s) – Familial Ownership – “Permitted Users” shall mean any two (2) natural personas at least 18 years of age, who are the deeded Lot Owner(s), from the same family household. Permitted Users shall also include the immediate children or parents, age 16 or older, of the Permitted Users, that permanently and bona fide reside with the family household. This definition of “Permitted Users” would also extend to those off-site, familial deeded owners that have not yet built a home on the lot.
2. Lot Deeded to Individual(s) – Non Familial Ownership – “Permitted Users” shall mean any two (2) natural personas at least 18 years of age, who own at least 25% of the deeded Lot. Permitted Users will NOT include the immediate children or parents of the designated Permitted Users. Ownership shall identify in writing to the Association, the two (2) designated Permitted Users. This definition of “Permitted Users” would also extend to those off-site, non-familial deeded Owners that have not yet built a home on the lot.
3. Lot Deeded to a Trust, LLC, or other ownership entity – Familial Ownership – “Permitted Users” shall mean a maximum of two (2) natural persons at least 18 years of age, from the same family household, who shall maintain at least a twenty-five percent (25%) beneficial interest in the Trust, LLC, or other ownership entity. Permitted Users shall also include the immediate children or parents, age 16 or older, of the Permitted Users, who permanently and bona fide reside with the family household. The Trust, LLC, or other ownership entity shall identify in writing to the Association, the two (2) designated Permitted Users. This definition of “Permitted Users” would also extend to off-site, familial owned Trust, LLC, or other ownership entity that has not yet built a home on the lot.
4. Lot Deeded to a Trust, LLC, or other ownership entity – Non-Familial Ownership - “Permitted Users” shall mean a maximum of two (2) natural persons at least 18 years of age, who shall maintain at least a twenty-five percent (25%) beneficial interest in the Trust, LLC, or other ownership entity. The Trust, LLC, or other ownership entity shall identify in writing to the Association, the two (2) designated Permitted Users. Permitted



Users will NOT include the immediate children or parents of the designated Permitted Users. This definition of “Permitted Users” would also extend to an off-site, non-familial owned Trust, LLC, or other ownership entity that has not yet built a home on the lot.

5. Lot on a Land Lease – Terms will be exactly the same as the equivalent deeded lot according to the individual(s) or trust as described in sections 1-4.
6. Home that is leased to a 3rd party long term (greater than 6 months) – Only one set of Permitted Users is allowed per lot. Lot Owner may choose to relinquish their rights as Permitted Users to the Lessee for the term of the lease by written notice to the board. For the Lessee, “Permitted Users” shall mean a maximum of two (2) natural persons, at least 18 years of age, from the same family household, who permanently and bona fide reside at a Lot within the project, or are leasing a complete lot, without a house. Permitted Users shall also include the immediate children or parents, age 16 or older, of the Permitted Users, that permanently and bona fide reside with the family household. Upon expiration of the lease, then rights will transfer back to the owner.
7. Home that is leased to a 3rd party short term (less than 6 months) – Lessees that are leasing the home for a short term (less than 6 months) are not Permitted Users on the Ski Lake. The Permitted Users will remain the Lot Owners as described in Sections 1-5.

All Permitted Users must obtain an Oregon Boater Education Card prior to use of the Ski Lake.

All permitted Users shall have proper insurance coverage as required in the community documents.

8. TRASH AND LITTER

No person shall deposit any trash, liquids, drink containers or other debris of any kind on the Lakes, Staging Area, Beach Easement Area or any other part of the Project, and the cost of removing any such items deposited or created by the Owner, a tenant of the Owner or any of their respective family members or guests shall be assessed to the Owner.

9. PERSONAL CONDUCT

All persons using the Lake shall conduct themselves in a responsible manner consistent with the presence of water and powerful machines. Absolutely no drugs of any kind, tobacco products, marijuana products, or vaping products shall be used, carried, transported or present on the Lakes, the Staging Area or the Beach and Picnic Area. Alcoholic beverages are allowed in reasonable and lawful quantities being consumed by adults within the Beach and Picnic Area, at a time when they are not utilizing the Ski Lake or Towboat.

The Board shall have the right to eject any individuals from the Lake, Staging Area, or Beach and Picnic Area who are not conducting themselves in an orderly fashion, who are inebriated or



otherwise incapacitated or who in any way pose a risk to any other person or property, and the Board and the Association shall not be responsible for any damages resulting from such exclusion.

However, the Association will not maintain a full time or professional staff to police the Lakes and neither the Board, the Officers of the Association, the Association nor the Owners shall be responsible for the actions of any individual at the Lake, Staging Area or Beach and Picnic Area.

10. HOURS OF SKI LAKE USE/SKIING

Skiing and or the operation of Towboats shall only be permitted between the hours of 8:00AM and 8:00PM. No persons or Towboat shall be present on the Lake during any lightning storm. The Board has the right and authority to close the Lake for normal operations as necessary for maintenance, repair or other necessary work.

11. PADDLE BOATS, STAND UP PADDLE BOARDS, AND OTHER NON-MOTORIZED BOATS ON THE SKI LAKE

Kayaks, Canoes, Stand Up Paddleboards (SUPs) and other non-motorized craft are allowed on the Ski Lake, but only under the following conditions. First and foremost the greatest asset of the community is the right to be able to ski on the Ski Lake. Paddleboards and other non-motorized craft may use the Ski Lake at times when water skiing is prohibited (after 8pm or before 8:00am) or when water skiers are not using the Ski Lake. Priority is given to Towboats, and all non-motorized water craft shall vacate the Ski Lake immediately when motorized boat activities are to take place. Enjoy, but please remember:

1. Life jackets: Per State Law and Oregon Regulations – an approved personal flotation device (PFD) is required for each person and to be worn or placed so it is readily accessible for immediate use. Children 12 and under must wear a PFD at all times
2. Paddleboards and non-motorized craft are not part of the Ski Rotation. They are not visible and can introduce confusion into the normal rotation system. Secondly, the primary purpose of the Ski Lake is for skiing.
3. Must yield to boats skiing – As mentioned, paddleboards are only allowed to be used on the Ski Lake if no skiing or motorized boating is occurring. If a person is paddle boarding and a Permitted User begins rotation for skiing, a paddle boarder must yield the lake and exit immediately, returning to the shoreline.
4. Paddle Board Use After Sunset – Paddle Boarding after sunset is allowed on the lakes according to the following Rules:
 - A. PFD/Lifejacket rules must be followed after sunset



- B. Paddle Boarders must have in operation a portable light, as you would with any water craft after sunset
- C. All Paddle Boarding must cease by 10:00 PM nightly
- D. Please be considerate of your neighbors and do not create unnecessary noise. Noise travels more at night, keep conversations at a reasonable level and please control barking dogs that may be startled by evening paddle boarders

Paddleboards may be stored on the shoreline as long as they do not block the Shoreline Easement Area and pedestrian access.

12. USE OF ISLANDS, BEACH AND PICNIC AREA, AND STAGING AREA

Any person as present at or on either of the islands, Beach and Picnic Area and/or Staging Area shall use all care and caution necessary to prevent damage to landscaping, improvements or other facilities thereon, and the Lot owner will be responsible for any damage thereto under Section 2.5 of the EMA. Except when closed by the Board, the Staging Area may be used for such pedestrian and recreation use as shall not interfere with the peace and tranquility of the Project, and the Board may exclude any use which it deems to be inconsistent with such requirement.

13. SWIMMING

Swimming is allowed only in the designated swimming area at the Beach area of the Ski Lake, as demarcated by the boundary buoys at the swimming beach. Swimming is allowed on North Lake in all areas.

14. FUEL LEAKS

If any Towboat leaks fuel or oil in the Lake or elsewhere in the Common Area, the Permitted User controlling or supervising the use thereof shall immediately report the same to the Board and Owner of the Lot in question shall be solely responsible for all required cleanup, remediation or other action necessary under applicable law or otherwise to fully clean up and remove the effects of the spill, pursuant to Section 1.4(iii) and Section 2.5 of the EMA.

15. QUADS/GOLF CARTS, ETC

Quads, Golf Carts, motorcycles, or other similar vehicles are not allowed to be ridden off-road anywhere in the common area of the development. Any of these vehicles operating on the Private Roads within Tanager must do so in a safe manner, and consistent with traffic rules.

16. TUBING

There is no tubing permitted on the Ski Lake. No towables are allowed behind a towboat which cannot be steered or controlled by the rider.



17. LAKE USE RESTRICTED TO ONLY SPECIFIED HOURS

Per the special use permit with the County, a towboat shall not tow any one after 8:00PM or before 8:00AM. Violating this provision of the Lake Rules and the special use permit jeopardize our rights to use the lake. The County can and will revoke our use permit if violations occur.

18. SAFETY

- A. Safety Committee (Board): The Board is also appointed as the Safety Committee. It is responsible for Lake safety related matters, including but not limited to:
 - i. Boat inspections
 - ii. Boat driver safety tests (if required)
 - iii. Administration of liability release forms
- B. Safety Precautions: Boat occupants shall comply with safety rules and regulations set forth by applicable state or government agencies. In addition, the following precautions shall be followed at all times:
 - i. Engine cowlings must be opened or the blower run prior to starting the engine;
 - ii. All passengers must be sitting when boat is in gear. Sitting on the gunwales or standing is prohibited unless the boat engine is turned off;
 - iii. All skiers shall wear an AWSA approved flotation device at all times while in the water
 - iv. All passengers 12 years old or younger are required to wear a flotation device at all times
- C. Boat Safety Inspections: The board may conduct periodic safety inspections from time to time as the Board deems necessary, but the Board's right to require or the actual occurrence of such inspections shall not be deemed to create or impose an obligation on the Board or the Association to conduct such inspections or otherwise ensure the safety of boats or other equipment on or used in connection with the Lake.
- D. Boat Driver Safety: All boat drivers must hold a current Oregon Boater Education Card, and follow Oregon laws regarding boating.
- E. AWSA Hand Signals: Boat driver must have a comprehensive knowledge of approved AWSA hand signals.
- F. Lightning: No persons or Boats shall be present on the Lake during any lightning storm.

19. VIOLATION

The Board may enforce these Lake Rules and Regulations as well as other provisions provided in the Declaration and EMA, including the Boards right to suspend rights to use the Lake and other



Common Areas as described above and the levy against an Owner of monetary penalties, and/or Charges for expenses incurred by the Association as a result of the actions of the Owner, a tenant of the Owner or any of their respective family members or guests as described in section 10.5.2 of the Declaration and Section 2.5 of the EMA. The suspension of use rights may be immediately effective if the Board determines that step to be necessary for safety or other reasons. Further, an Owners delinquency in the payment of Assessments and Charges may result in the suspension of the Common Area use rights under Section 10.7 of the Declaration.

Fines for Violations

It is hoped that fines will not be necessary, however, it is one of the few powers granted to an Association to help enforce the community documents.

The fine policy is as follows:

1st Notice: Warning/Courtesy Letter with no fine, unless otherwise indicated in the letter. Fine may be imposed on first notice if violation warrants fine. Owner given 14 days to correct noted violation.

2nd Notice: If violation is not corrected as requested in prior notice, owner will receive a minimum fine of not less than \$100.00 for failure to correct any noted violation. Owner will be given another 14 days to correct noted violation.

On-going Violation: If violation is not corrected as requested in prior notices, owner will receive a minimum fine of no less than \$250.00. Violations will be considered a new offense every 14 days with new fines in an amount not less than \$250.00 every 14 days until the violation is corrected.

Violations recurring after 12 months: Should an owner receive a violation for the same matter more than 12 months apart, it will be considered a new violation and not subject to 2nd Notice and fine. Violations for the same matter within a 12 months period will be subject to fines and penalties for a repeated violation that has not been corrected as requested.

Association's Right to Correct Violations: Should the Board deem it necessary, the Association has the right to hire necessary work to be done to correct a violation. Association has the right to enter onto an owner's property to correct violations. Cost to correct any such violation, will become due and payable by owner, as stated in Section 4.24 of the Declaration.



20. GENERAL PROVISIONS

Severability: Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Construction: Except for judicial construction, the Association shall have the exclusive right to construe and interpret the provisions of these Rules. In the absence of any adjudication to the contrary by a court of competent jurisdiction, the Association's construction or interpretation of the provisions hereof shall be final, conclusive and binding as to all persons and property benefited or bound by these Rules.

Violations and Nuisance: Every act or omission whereby any provision of these Rules is violated in whole or in part is hereby declared to be a nuisance and may be enjoined or abated, whether or not the relief sought is for negative or affirmative action, by Declarant, the HOA or any Owner.

Deliver of Notices and Documents: Any written notice or other documents relating to or required by these Rules may be delivered either personally or by mail. If by mail, it shall be deemed to have been delivered twenty-four (24) hours after a copy of same has been deposited in the United States mail, postage prepaid, addressed as follows:

Tanager Development
Attn: Eric Cadwell
63560 Johnson Road
Bend, OR 97703

Captions: The captions contained in these Rules are for convenience only and do not define, limit or construe the contents of the Sections of these Rules

Conflicts: In the event of any discrepancies, inconsistencies or conflicts between the provisions of these Rules and the Declaration, EMA, Articles, Bylaws or Architectural Design Guidelines, the provisions of the Declaration and EMA shall prevail.

Joint and Several Liability: In the case of joint ownership of a Lot, the liabilities and obligations of each of the joint Owners set forth in or imposed by these Rules, shall be joint and several.

Attorney's Fees: In the event of the Association employs an attorney to enforce any lien granted to it under the terms of these Rules, or to collect any assessments or other amounts due from an Owner, or to enforce compliance with or recover damages for any violation or noncompliance with the Project Documents, the offending Owner or other person or entity shall pay to the Association, upon demand, all attorney's fees and court costs incurred by the



Association, whether or not suit is filed, which fees and costs shall be secured by the assessment lien.

Plurals and Gender: Whenever the context so requires, the use of the singular shall mean and be construed as including the plural and the masculine shall include the feminine and neuter.

21. SECTION 19. AMENDMENT

The Rules and Regulations are subject to change from time to time by the Board as permitted in the Declaration, without prior notice. Please contact the Board to ensure you have a current copy of these rules.