

AMENDED AND RESTATED
WEST SHORES LAKE AND HOMEOWNERS ASSOCIATION, INCE
CONDITIONS, RESTRICTIONS, SAFETY RULES, AND REGULATIONS
FOR THE WEST SHORES LAKE AND COMMON FACILITIES

These Amended and Restated Conditions, Restrictions, Safety Rules, and Regulations for the West Shores Lake and Common Facilities amend the Conditions, Restrictions, Safety Rules and Regulations dated February 15, 2001 of the West Shores Lake Homeowners Association, Inc. (the "Association"), the First Amendment thereto dated June 10, 2002, and the Second Amendment thereto dated March 6, 2006. All West Shores Lake and Homeowner Association members and/or residents of Lots 1 through 177, 180 through 242, and 246 through 294 in West Shores; Lot 1, West Shores Replat 2, being a replat of Lots 178 and 179, West Shores, a Subdivision in Douglas County, Nebraska (or any new replats thereof), are responsible for ensuring that they and their guests understand and abide by the following rules and regulations. Disregard for any abuse of regulations are grounds for suspensions of lake privileges.

The 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 Association facilities.

When a violation is observed by a resident member, the Association asks that the violation be reported to the Board in writing. This written complaint will be confidential and on file in the event that further action is necessary. The complaint 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.

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

I. GUEST

A guest must be accompanied by the member or a resident member of the family when using any of the common areas. Members are accountable and liable for the actions and conduct of their guests.

II. TENNIS COURTS/VOLLEYBALL COURTS (FUTURE ESTABLISHMENT)

If constructed, tennis courts are open for general use on a first come first use basis. If other members are waiting, use is limited to one hour. Permission for special occasions for a limited period of private use may be granted by Association Board of Directors.

III. SWIMMING/SCUBA DIVING

- A. Swimming across the main part of the lake is prohibited.
- B. Swimming at the boat launching and marina area is prohibited.
- C. The 50 foot area adjoining the residential lots is reserved for swimming.
- D. Scuba Diving is allowed only by special permit from the Association Board and never on weekends or holidays.
- E. All scuba divers must use a flag while diving. All boats of any kind must stay 75 feet from this flag.

IV. LAKE RULES IN COVENANTS

Owners and members must comply with the Lake restrictions set forth in the Declaration of Covenants, Conditions, Restrictions and Easements of West Shores (the "Covenants") and the Amendments thereto recorded on February 22, 2001, in Book 1370 Page 001-016 of the Register of Deeds, Douglas County, Nebraska. The Lake restrictions which are referenced in the Covenants are being reproduced below for your convenience. All Owners (members) must comply with both the provisions set forth in the Covenants regarding usage of the Lake and these rules.

The Restrictions set forth in the Covenants pertaining to the Lake:

1. Boats which are not in the water, boat trailers, recreational vehicles, campers and other trailers must be removed from the Owner's Lot within 48 hours unless stored in the garage of the residence. Boats on trailers may be parked in a driveway during the 15 day period between April 15 and April 30 and October 15 and October 30 when Owners are readying their boats for usage and/or storage. Maintaining boats, boat trailers, recreational vehicles, campers and other trailers on the Owner's Lot, other than as set forth herein, is strictly prohibited. The Association Board shall have the authority to provide temporary extensions to such storage requirements in the event of extreme high or low lake level conditions which may impact the operation of boat lifts, and such extension shall be granted at the discretion of the Association Board, (Article I, VB).
2. The Declarant grants each waterfront Lot Owner the privilege to install a dock in the Lake in front of their respective Lot. All boat docks must be constructed from a polyethylene, vinyl, fiberglass, aluminum or a non-rusting material and shall be within the Owner's Side Lot alignment as it extends to the 40 foot maximum allowed into the lake

from the Owner's Lake Lot Line, The decking on the boat docks can be made of redwood, vinyl or treated wood material. The plans for all docks, showing their material, configuration and size, shall be approved by the DRB or the Association prior to their installation. The boat lifts allowed will be those made of aluminum, such as "Shore Station-Hewitt" etc., or of a non-rusting type of material as approved by the Association, with white, tan or gray canopy covers, or of a canopy color approved by the Association. The plans for all boat lifts showing their size, materials, colors and configuration, must be approved by the DRB or the Association prior to their installation (Article I, 1129).

3. Boat Houses are prohibited (Article I, 1130).
4. Lot Owners are prohibited from using the Lake for boating unless construction of their residence has commenced on their Lot and they have a dock and boat lift in place (Article I, 1131).
5. All boats operating on the Lake must comply with all the Lake Rules and Regulations as well as Regulations established by the State of Nebraska for boating (Article III, 112(a)).
6. All boats on the Lake must be owned by Lot Owners, registered with the Association and contain the appropriate and current Association sticker. No other boats shall be permitted on the Lake, Ail boats (power boat* canoes, paddle boats, fishing boats, sail boats, etc.) must display the Owner's Lot No. and the Association sticker in the size established by the Association in a visible position on the starboard AFT (right rear) side Article III, T2(b)).
7. Inboard, Inboard-Outboard and Outboard motors are allowed. Air boats, Jet Powered Boats, Jet Powered Watercraft classified as Jet Skis, Wave Runners, or any other Jet Powered Personal Watercraft of any brand, make or model, and Boats with above water exhaust systems are prohibited (Article III, T2(c)).
8. Boat speeding on the Lake is prohibited. The Declarant and/or Association shall establish the boat speed limit on the Lake and set forth such maximum speed limit in the Lake Rules and Regulations, Speed in the launching, marina, shore and dock areas is always NO WAKE, and on the Lake proper between one half hour after sundown and one half hour before sunrise, is NO WAKE (Article III, paragraph 2(d)),
9. All boats and skiers, and others being pulled by a boat, must remain a minimum of ninety (90) feet from the shore and/or boat lifts and docks (Article III, paragraph 2(e)).
10. In addition to the above restrictions and covenants, the use of the Lake shall also be subject to the Lake Rules and Regulations, as amended time to time (Article III, fl2(f)).

11. That pursuant to Article I, subparagraph 8 of the Covenants, as amended, the following sand and erosion rules are hereby established:

It is a requirement that all sand used for beach or erosion control projects be reclaimed from the lake whenever possible. For those homeowners unable to use the excavated or reclaimed material (due to silt and/or clay content) the amount of new sand to be brought in must be equal to or less than the amount of reclaimed sand. For all such projects a formal written request must be submitted to the Association Board of Directors and contain the following information:

- A. The tonnage of new material to be brought in;
- B. A bid or quote from the contractor detailing new product amount, amounts of old product disposed, and removal procedures;
- C. An estimated time frame for start and completion of the project,
- D. All new sand must be "no blow" sand;
- E. All contractors/vendors must be approved by the Association Board of Directors and comply with the West Shores' Restricted Access Agreement for Zebra Mussel Prevention.
- F. A signed agreement by the property owner and contractor that these rules will be followed;
- G. Other relevant information that the Board of Directors shall reasonably require.

Additionally, a similar formal written request must be submitted by the homeowner/lot owner to install rip rap stone for shoreline stabilization. Rip rap must be either glacial boulders or limestone; no concrete rubble is permissible. The Association Board of Directors will approve, disapprove or otherwise respond to requests for such projects within 14 days of submittal.

Compliance with these requirements governing the abatement of lake pollution is mandatory. In the event a property owner shall fail to follow these requirements, then the Association, in addition to all other rights and remedies of the Association under the Covenants and Lake Rules and Regulations, shall have the right, after notice to the property owner and the property owner's failure to cure such violation within 10 days from delivery of such notice, to go upon the owner's property and take the appropriate action to correct/cure the violation which shall include, but not be limited to, incurring reasonable costs for labor and material to correct/cure the violation, and if such costs are incurred, the Association will have the right to assess such costs against the property owner and the property in the amount of such costs, plus an administrative fee of 10% of such costs to reimburse the Association's expenses in curing such violation, and reasonable attorney fees, court costs, interest thereon at the rate of 10% per annum from the date of incurring such cost until paid, and other reasonable expenses incurred in enforcing these requirements, all of which shall be at once due and payable by the

property owner and the property to the Association. Such assessments which shall be a personal obligation of the property and a lien upon the property and subject to collection and foreclosure by the Association to collect such sum.

12. That pursuant to Article I, subparagraph 8 of the Covenants, as amended, the following marina gate access rule is hereby established:

Access to the marina gate is restricted by a modified gatekeeper policy, Specific provisions will be developed by the Association Board.

V. BOATS - GENERAL INFORMATION AND REGULATIONS

- A. All member boats operating on the lake must comply with all West Shores safety rules and regulations as well as regulations established by the State of Nebraska.
- B. Boats belonging to guests of Association members are prohibited on the Lake. Any nonmember boat found on the Lake or its shores may be removed by the Association or its duly authorized agent at the expense of the owner.
- C. Any member who shall have permitted, authorized or allowed illegal use of or launching of a boat in violation of the rules, regulations or restrictions in connection with the Association, and/or documents recorded at the Douglas County courthouse, shall have their rights and privileges as a West Shores member revoked and the set charge or fine has been paid and until a formal application for reinstatement has been made to and approved by the Association Board. This revocation period shall run for a period of thirty (30) days from the date of the application to the Board, unless said thirty (30) days waiting period is waived by the Board of the Association.
- D. There is a punitive system for the violation of boating rules. This is set by the Board of the Association. The first offense is a warning. The second offense is a \$100.00 fine. The third offense in one boating season will result in the suspension of boating privileges for the rest of the season. Reinstatement will only be after written application is made to the Association Board. Any property owner, or property owner's guest, who is convicted of the crime of operating a boat or other motorized watercraft under the influence of alcohol or other controlled substance, shall not be permitted to operate a boat or other motorized watercraft on West Shores Lake for one year from the date of the conviction.
- E. All boats (power boats, canoes, paddle boats, fishing boats, sail boats, etc.) must display the member's lot number and the Association sticker in the size so set by the Association in a visible position on the starboard aft (right rear) side. Stickers

will be obtained from your Association Board with proof of current registration, proof of liability insurance, and current dues.

- F. To maintain safety for participants, boats may be restricted during special events as deemed necessary by the Association Board of Directors.
- G. Only one motorized watercraft from each lot shall be operated on the water at any given time.
- H. Boats shall only be equipped with the factory standard options for wake enhancement installed at the time of manufacture. Additional modifications, such as supplemental water bladders, water tanks and weights, or added external blades, fins, wedges or other wake shaping devices, shall not be installed or attached to any boat.
- I. Inboard, Inboard-Outboard and Outboard motors are allowed. Air boats, Jet Powered Boats, Jet Powered Watercraft classified as Jet Skis, Wave Runners, or any Jet Powered Personal Watercraft of any brand, make or model, and Boats with above water exhaust systems are not allowed.
- J. No water bladders, weighted transoms or any modification to increase boat wake is allowed.
- K. Boat Sizes and Horsepower:

Pontoon Boats. Maximum advertised manufacturer's pontoon length of 26 feet or less and a maximum of 150 HP.

Inboard, Inboard/Outboard, Outboard and Deck Boats. Maximum advertised manufacturer's length of 23 feet or less not including the swim platform with a maximum of 450 HP. Limitations on specific types of watercraft set forth elsewhere in the Lake Rules take precedence over this provision.

Boat Motors. No motors may be altered or modified from their original factory production standards to increase their performance or HP.

Sailboats: Maximum advertised manufacturer's length of 22 feet.

Boards. Paddleboards, Surfboards, Hydroplanes and similar watercraft shall not have motors or jets.

Boat Length: Length is horizontal distance between the outboard side of the foremost part (bow) of the hull and the outboard side of the aftermost part (stern) of the Hull. Boat lengths do not include swim platforms whether it is separately attached or molded into the boat.

It is the boat owner's responsibility to verify that lengths do not exceed the above mentioned classifications and all boat lengths will be verified by the West Shores Boat Registrar. Any discrepancies will be reviewed by the Association Board of Directors using the following: Advertised manufacturer's length and hull identification/model number.

The basis of these clarifications are to insure boater's safety and minimize erosion.

L. Boat speed limit on the lake proper is 40 MPH- Speed in the launching, marina, shore and dock areas is always NO WAKE, and on the lake proper between one half hour after sundown and one half hour before sunrise, is NO WAKE.

M. (1) Future establishment or use of a slalom course on the lake must be by annual application to and approval by the Association Board of Directors (2) If approved, the slalom course must be utilized when there is minimum traffic on the lake, The course shall only be used during established hours between sunrise and sunset as a courtesy, boats should not go through the course when it is in use and should take on the responsibility to either replace a buoy if they cut it or seek help from a Ski Club member.

N. Buoys: Yellow buoys shall only be used as an aid to navigation marking the 90 foot distance from the shore and/or boat lifts and docks, outside of which all boats and skiers, and others being pulled by a boat, must remain. Buoys serving as distance markers are subject to frequent interference and boaters should not assume that they will maintain their intended position. Boaters should report out of position yellow buoys to the Association Board. No persons other than the Association Board may place yellow buoys in the lake. The locations at which yellow buoys are placed may be sporadic and shall be determined in the sole discretion of the Association Board. Any other yellow buoys found in the lake will be confiscated by the Association Board and will not be returned. Lot owners may place buoys of any color other than yellow in the lake at a distance not more than 50' from the shoreline adjoining their property. Any buoys of any color found in the lake more than 50' from any shoreline may be confiscated by the Association Board and may or may not be returned. For purposes of this provision, the Association Board includes persons appointed to act on its behalf with respect to buoys.

VI. BOATING RULES WEST SHORES

- A. All Motorized watercraft shall operate in a COUNTERCLOCKWISE direction.
- B. All boats towing water skiers, sleds, etc. must have a wide-angle rearview mirror, or an onboard observer, 13 years or older.
- C. Boats must not follow a person being towed (skier, etc.) closer than 200 feet (2/3 of a city block).
- D. All boats and skiers, etc. must remain a minimum of 90 feet from the shore and/or boat lifts and docks. Boats utilizing wake enhancing devices must remain a minimum of 165 feet from shore whenever feasible. In certain narrow "choke" points on the lake, there is not sufficient width for two boats traveling in opposite directions to maintain the required 90 feet between boats and still remain a minimum of 165 feet from each shore, and, in those circumstances, the 165 foot rule shall not apply and boats and skiers must instead remain a minimum of 90 feet from shore and/or boatlifts or dock as required by covenants and Nebraska law. Boats and water vehicles of any kind must not operate between a downed skier and the towing boat.
- E. Towlines may not be towed in the water for more than 300 feet (one city block). Tow lines may not exceed 75 feet in length.
- F. Boats shall be limited to a maximum of two tow lines at one time and only when there is minimum traffic on the lake.
- G. Boats with a downed skier should turn around only while turning into or toward shore in order to pick up their skier.
- H. Pontoon boats shall not be allowed to pull water skiers.

VII. BOATING-STATE LAWS ENFORCED AT WEST SHORES

- A. Children under 12 years of age and younger must wear approved life preservers 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
- 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 prohibited and is reason to lose lake privileges.
- F. All water skiers or persons being towed must wear a 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 throwable 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. Paddleboards operating within the West Shores 50' reserved swimming zone are not subject to state boating regulations. Any paddleboards operating outside the reserved swimming zone are subject to the same state boating regulations as other non-motorized watercraft, such as canoes and kayaks, including those pertaining to personal floatation devices and lighting.

VIII. AMENDMENT

These rules and regulations shall be binding on all members, and shall be changed or amended only by a written majority vote of the entire membership, as provided for in the Declaration of Covenants, Conditions, Restrictions and Easements of West Shores. The number of votes which the Declarant and each member (Owner) is entitled to for such voting shall be as set forth in Article II (2) of the Covenants. Vote to be recorded by the Secretary of Association,

The foregoing West Shores safety rules and regulations which contain the Lake Rules and Regulations are hereby adopted and approved.