

LAKELAND VILLAGE COMMUNITY CLUB
Resolution No. 11
View Protection

The original Resolution No. 11 was signed by Kenneth C. Griffith, LLVCC President and Marion J. Moss, LLVCC Secretary/Treasurer and was filed with the Mason County Auditor on 11/12/1998 under File Number 678677.

1. LakeLand Village Divisional Covenants vary regarding view protections. The mandatory language that applies to the various Divisions is as follows:

- a. Divisions 1-4: "No fences, hedges or boundary walls shall be planted or constructed more than six (6) feet in height so as to obstruct the view of any lot owner toward the lake, and all residences shall be so located with the approval of the grantor or of the Control Committee so as to interfere as little as possible with such view."
- b. Division 5:
 - "No fences, hedges or boundary walls shall be planted or constructed more than six (6) feet in height so as to obstruct the view of any lot owner toward the lake, and all residences shall be so located with the approval of the grantor or of the Control Committee so as to interfere as little as possible with such view."
 - "No fences, hedges or boundary walls shall be planted or constructed more than six (6) feet in height so as to obstruct the view of any lot owner. Any fence shall be of natural wood and may have a neutral color preservative coating."
- c. Division 6: "No fences, hedges or boundary walls shall be planted or constructed more than six (6) feet in height so as to obstruct the view of any lot owner toward the lake, and all residences shall be so located with the approval of the grantor or of the Control Committee so as to interfere as little as possible with such view."
- d. Division 7: "Approval of said plans and specifications may be withheld if the proposed improvements or conduct is at variance with these covenants or if, in the sole opinion of the ACC, the proposed improvement will be detrimental to the community because of the grading and drainage plan, the location of the structure on the building site, color scheme, finish design, proportions, shape, height, style, appropriateness of material to be used thereon, interference with the view of other property owners within

LakeLand Village, or other features not aesthetically adapted to the area and nearby developed properties."

e. Division 8-9:

- "No building or structure shall be moved onto any lot from any other place. No vehicles or structures of a temporary character shall be used as a dwelling upon any lot except during the authorized period of construction. No permanent trailers or mobile homes shall be permitted upon any lot. Not trailer of any sort, truck, camper, mobile home or boat shall be kept or permitted to be kept on any lot, unless housed within an enclosed garage or screened from view from streets, common areas, or other lots in a manner approved by the Architectural Control Committee, provided, travel trailers may be temporarily placed upon lots for limited vacationing or holidays subject to regulations of the Architectural Control Committee."
- "PRESERVATION OF VIEW RIGHTS The Architectural Control Committee shall have the responsibility of determining whether trees or other vegetation on the premises of any lot unreasonably interfere with the view of other residences of this subdivision. In any case in which the Architectural Control Committee shall determine that there is such interference, it shall send a notice in writing to the owner involved, which notice shall set forth the extent to which the trees or other vegetation shall be pruned or removed. If within thirty (30) days after receipt of such notice the owner has not caused the trees or other vegetation to be pruned or removed to the extent required by the architectural control committee, the LakeLand Village Community Club may, at its expense, cause such work to be accomplished provided, however, that the Club may in its discretion charge the cost of such work to the residents of the subdivision who have requested the pruning or removal of such trees or other vegetation."

f. Division 10:

- "Approval of said plans and specifications may be withheld if the proposed improvement is at variance with these covenants. Approval may also be withheld if, in the opinion of the Architectural Control Committee, the proposed improvement will be detrimental to the community because of: grading and drainage plan, location of the structure of the building site, color scheme, finish design proportions, shape, height, style, appropriateness of material to be used thereon, inappropriate clearing of trees or natural growth, unreasonable interference with the view of other property owners within Lakeland

Village or other features not aesthetically adapted to the area and nearby developed properties."

- "No building or other structure may be constructed anywhere upon a lot except within the area staked upon the lot for that purpose by the developer, unless application is made to the Architectural Control Committee for permission to construct elsewhere and the Architectural Control Committee and Developer expressly find that the location of the structure will not unreasonably interfere with the view of other residents of LakeLand Village."
- "No building or structure, unless it is newly constructed, shall be moved onto any lot from any other place. No vehicles or structures of a temporary character shall be used as a dwelling upon any lot except during the authorized period of construction. No permanent trailers or mobile homes shall be permitted upon any lot. No trailer of any sort, truck, trailer, camper, mobile home or boat shall be kept or permitted to be kept on any lot, unless housed within an enclosed garage or screened from view from streets, common areas, or other lots in a manner approved by the Architectural Control Committee, provided, travel trailers may be temporarily placed upon lots for limited vacationing or holidays subject to regulations of the Architectural Control Committee."
- "No fences, hedges or boundary walls or other barriers shall be placed or constructed so as to unreasonably obstruct the view of any lot owner and all structures shall be so located with the approval of the Architectural Control Committee so as to prevent insofar as possible interference with the view from the other lots, while conforming with reasonable architectural standards. No fence, hedge, boundary wall, net or other barrier shall be constructed over 6 feet in height above the natural grade. No net or metal fence shall be permitted on any lot nor shall any fence or other barrier (except hedges) be permitted on any lot unless constructed of wood and painted or stained with earth or wood-toned colors approved as provided in (a) hereof."
- "PRESERVATION OF VIEW RIGHTS The Architectural Control Committee shall have the responsibility of determining whether trees or other vegetation on the premises of any lot unreasonably interfere with the view of other residences of this subdivision. In any case in which the Architectural Control Committee shall determine that there is such interference, it shall send a notice in writing to the owner involved, which notice shall set forth the extent to which the trees or other vegetation shall be pruned or removed. If within thirty (30) days

after receipt of such notice the owner has not caused the trees or other vegetation to be pruned or removed to the extent required by the architectural control committee, the LakeLand Village Community Club may, at its expense, cause such work to be accomplished provided, however, that the Club may in its discretion charge the cost of such work to the residents of the subdivision who have requested the pruning or removal of such trees or other vegetation."

g. Division 11:

- "Approval of said plans and specifications may be withheld if the proposed improvements or conduct is at variance with these covenants or if, in the sole opinion of the Architectural Control Committee the proposed improvement will be detrimental to the community because of the grading and drainage plan, the location of the structure on the building site, color scheme, finish design, proportions, shape, height, style, appropriateness of material to be used thereon, inappropriate clearing of trees or natural growth, unreasonable interference with the view of other property owners within LakeLand Village, or other features not aesthetically adapted to the area and nearby developed properties."
- "No fences, hedges or boundary walls or other barriers shall be placed or constructed so as to unreasonably obstruct the view of any lot owner and all structures shall be so located with the approval of the Architectural Control Committee so as to prevent, insofar as possible, interference with the view from the other lots, while conforming with reasonable architectural standards. No fence, hedge, boundary wall, or other barrier shall be constructed over 6 feet in height above the natural grade. No net or metal fence (such as chicken wire, barb wire, hog fencing, chain link, etc.) shall be permitted on any lot nor shall any fence or other barrier (except hedges) be permitted on any lot unless constructed of wood and painted or stained with earth or wood-toned colors approved as provided in (a) hereof."
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vegetation to be pruned or removed to the extent required by the architectural control committee, the LakeLand Village Community Club may, at its expense, cause such work to be accomplished provided, however, that the Club may in its discretion charge the cost of such work to the residents of the subdivision who have requested the pruning or removal of such trees or other vegetation."

h. Divisions 11A:

- "The Architectural Control Committee has limited the height of any improvements on Tracts 4 through 12 so as to protect the view of property owners across the County road or adjacent to these tracts. The highest point of the roof can not exceed eighteen (18) feet above the County road level immediately in front of the house."
- "Approval of said plans and specifications may be withheld if the proposed improvements or conduct is at variance with these covenants or if, in the sole opinion of the Architectural Control Committee, the proposed improvement will be detrimental to the community because of the grading and drainage plan, the location of the structure on the building site, color scheme, finish design, proportions, shape, height, style, appropriateness of material to be used thereon, inappropriate clearing of trees or natural growth, unreasonable interference with the view of other property owners within Lakeland Village, or other features not aesthetically adapted to the area and nearby developed properties."
- "No fences, hedges or boundary walls or other barriers shall be placed or constructed so as to unreasonably obstruct the view of any lot owner, and all structures shall be so located with the approval of the Architectural Control Committee so as to prevent, insofar as possible, interference with the view from the other lots, while conforming with reasonable architectural standards. No fence, hedge, boundary wall, or other barrier shall be constructed over 6 feet in height above the natural grade. No net or metal fence (such as chicken wire, barb wire, hog fencing, chain link, etc.) shall be permitted on any lot nor shall any fence or other barrier (except hedges) be permitted on any lot unless constructed of wood and painted or stained with earth or wood-toned colors approved as provided in (a) hereof, except for protective netting for the safety of residents and their guests as may be required where such danger exists. Netting must be attached to the residence. Materials, supports and location must be approved by the Architectural Control Committee and the owners of the LakeLand Village Golf Course prior to installation."

- "PRESERVATION OF VIEW RIGHTS The Architectural Control Committee shall have the responsibility of determining whether trees or other vegetation on any lot unreasonably interferes with the view of other residences of this subdivision. In any case in which the Architectural Control Committee shall determine that there is such interference, it shall send a notice in writing to the owner involved, which notice shall set forth the extent to which the trees or other vegetation shall be pruned or removed. If within thirty (30) days after receipt of such notice the owner has not caused the trees or other vegetation to be pruned or removed to the extent required by the Architectural Control Committee, the LakeLand Village Community Club shall have a license to go upon the particular lot and may, at its expense, cause such work to be accomplished provided, however, that the Club may in its discretion charge the cost of such work to the residents of the subdivision who have requested the pruning or removal of such trees or other vegetation. In no event shall any trees or other vegetation be pruned so as to reduce its size below its size as of the date the owner of the particular lot purchased that lot, and no tree shall be removed unless it presents a hazard to the Owner of the lot or owners of other lots in the vicinity."
- i. Divisions 12, 12-2:
 - "Approval of said plans and specifications may be withheld if the proposed improvements or conduct is at variance with these covenants or if, in the sole opinion of the Architectural Control Committee, the proposed improvement will be detrimental to the community because of the grading and drainage plan, the location of the structure on the building site, color scheme, finish design, proportions, shape, height, style, appropriateness of material to be used thereon, inappropriate clearing of trees or natural growth, unreasonable interference with the view of other property owners within Lakeland Village, or other features not aesthetically adapted to the area and nearby developed properties."
 - "No fences, hedges or boundary walls or other barriers shall be placed or constructed so as to unreasonably obstruct the view of any lot owner, and all structures shall be so located with the approval of the Architectural Control Committee so as to prevent, insofar as possible, interference with the view from the other lots, while conforming with reasonable architectural standards. No fence, hedge, boundary wall, or other barrier shall be constructed over six (6) feet in height above the natural grade. No net or metal fence (such as chicken wire, barbed

wire, hog fencing, chain link, etc.) shall be permitted on any lot nor shall any fence or other barrier (except hedges) be permitted on any lot unless constructed of wood and painted or stained with earth or wood-toned colors approved as provided in paragraph (a) hereof, except for protective netting for the safety of residents and their guests as may be required where such danger exists. In order to preserve the pristine image of LakeLand Village, the installation of garish or obtrusive netting systems is prohibited. Any protective netting system must be approved by the Architectural Control Committee prior to its installation. The Architectural Control Committee will approve only those systems which (i) use netting that, when installed, is inconspicuous and even difficult to detect, but at the same time provides protection from errant golf balls; (ii) utilize poles painted or stained to match the residence to which the system belongs; (iii) which are only as high as necessary and as approved by the Architectural Control Committee; (iv) are designed to fit into the existing decor of the property being protected; (v) location of netting is encouraged to be as close to dwelling as deemed appropriate by Architectural Control Committee; and (vi) are designed to blend into the surrounding environs in a manner which cannot be considered garish or obtrusive and which will appear pleasing and attractive to neighbors and golf course users."

- "PRESERVATION OF VIEW RIGHTS The Architectural Control Committee shall have the responsibility of determining whether trees or other vegetation on any lot unreasonably interferes with the view of other residences of this subdivision. In any case in which the Architectural Control Committee shall determine that there is such interference, it shall send a notice in writing to the owner involved, which notice shall set forth the extent to which the trees or other vegetation shall be pruned or removed. If within thirty (30) days after receipt of such notice the owner has not caused the trees or other vegetation to be pruned or removed to the extent required by the Architectural Control Committee, the LakeLand Village Community Club shall have a license to go upon the particular lot and may, at its expense, cause such work to be accomplished provided, however, that the Club may in its discretion charge the cost of such work to the residents of the subdivision who have requested the pruning or removal of such trees or other vegetation. In no event shall any trees or other vegetation be pruned so as to reduce its size below its size as of the date the owner of the particular lot purchased that lot, and no -

tree shall be removed unless it presents a hazard to the Owner of the lot or owners of other lots in the vicinity."

j. Division 12-2, 14:

- "Approval of said plans and specifications may be withheld if the proposed improvements or conduct is at variance with these covenants or if, in the sole opinion of the Architectural Control Committee, the proposed improvement will be detrimental to the community because of the grading and drainage plan, the location of the structure on the building site, color scheme, finish design, proportions, shape, height, style, appropriateness of material to be used thereon, inappropriate clearing of trees or natural growth, unreasonable interference with the view of other property owners within Lakeland Village, or other features not aesthetically adapted to the area and nearby developed properties."
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Architectural Control Committee; and (vi) are designed to blend into the surrounding environs in a manner which cannot be considered garish or obtrusive and which will appear pleasing and attractive to neighbors and golf course users.

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3. Past View Protection Resolutions have attempted to accommodate these differences but have failed to strictly adhere to the individual Divisional Covenants. Covenants cannot be modified or amended by Resolution. Therefore, the Board of Directors adopts this View Protection Resolution to provide for strict adherence to restrictive covenants as well as a common administration for issues regarding view protection.

4. Additional view protections are provided for within Divisional Covenants regarding such matters as refuse, garbage, rubbish, signs, fuel tanks, air conditioning units and heat pumps; these restrictions must also be respected.

5. Members are responsible for ensuring that their actions and their lots comply with restrictive covenants regarding View Protection that apply to the same except as set forth herein. In addition, future Divisions may be created, and made

subject to future Divisional Covenants. Such future Divisional Covenants shall also be respected as they may apply.

6. Members who have had projects approved consistent with the prior View Protection Resolution in effect at the time of the approval; which were properly approved and completed as approved, where approval was required; will be allowed to remain. If the approval was given by mistake, the Association cannot now change that. However, such Members may not be allowed to expand into any protected views, such as by increased growth of vegetation including especially trees, without further approval, and such approval will be based on the language of the applicable restrictive covenants. Such projects may be repaired, maintained or replaced when reasonably necessary consistent with the applicable View Protection Resolution language under which they were approved, if different from the restrictive covenants that apply, and, if approval was given, consistent with that approval. They may not, however, be replaced with any structure of any nature that is in any way materially different, in the sole judgment of the Architectural Committee, where specified as the decision-maker in the applicable covenants; or the Board, where not.

7. Members who have undertaken projects which were not consistent with the prior View Protection Resolution in effect at the time of the project, including regarding approval requirements; and which are in violation of the applicable restrictive covenant regarding views; have no right to continue to maintain those projects, and will be required to remove them upon notice from the Board.

8. Where required by the applicable Divisional Covenants, projects must be approved by the Architectural Committee or otherwise. Where no such approval is required, no approval process will be required, but compliance with restrictive covenant provisions remains mandatory.

9. All projects that have any potential effect on views protected by applicable restrictive covenants must be neat in appearance, and none may violate a restrictive covenant that specifies, "[n]o noxious or offensive activities shall be carried on upon an lot nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood."

10. Failure to respect the provisions of the applicable restrictive covenant regarding View Protections, or the provisions of this Resolution, may subject the member to a fine as specified in the LakeLand Village Community Club fine policies. If the Board determines at any time with respect to the terms or intent of

this Resolution, that an emergency exists, or that the Member involved would not likely cooperate with the terms or intent hereof, it may choose to seek an immediate injunction and/or any other available remedy, including damages and otherwise as provided in the Bylaws.

11. Failure to enforce any part of this Resolution at any time does not constitute a waiver of the right to enforce the same part, any other part, or any other matter against the same member, or any other member, at any other time.

12. All LakeLand Village Community Club governing documents apply to all matters addressed herein.

THIS RESOLUTION was adopted by the LakeLand Village Community Club Board of Directors this _____ day of _____, 2019.

President, Board of Directors

Secretary, Board of Directors