

DECLARATION OF RESTRICTIVE COVENANTS APPLYING TO LAKE BEL-AIR

These following restrictions apply to all plats on Lake Bel-Air except for items 2(a) (type, size) and 3 (setback) which vary according to the different Terraces. These Restrictions, as they apply to each Terrace, are printed on all title deeds.

Building and use restrictions apply to all plats for the purpose of protecting property values and providing for the quiet and peaceful enjoyment of the lots contained in said plats as follows:

1. USE:

Any structure erected shall be a single family private residence for use by the owners or occupant, with customary out-buildings for use by the lot occupants only. No part of said premises shall be used for commercial or manufacturing purposes and no trailers, campers or temporary structures of any kind may be occupied on the premises.

2. TYPE, SIZE AND CONSTRUCTION:

- a) Any dwelling erected, placed or altered on any lot shall have a minimum enclosed living area of 900 square feet above grade on ground floor.
- b) No dwelling shall be erected in excess of 2 stories above grade.
- c) All construction materials must be new.
- d) All residences must have private inside bathroom facilities. All residences must have their own wells, unless other arrangements have been approved by the Building Control Committee.
- e) All structures shall be completed on the exterior within six (6) months from start of construction, including two (2) coats of paint or varnish on all exterior wood surfaces. If concrete block is used as an exterior surface, it must be painted with two coats of masonry paint. All exterior siding materials must be approved by the Building Control Committee.
- f) All septic tanks or other devices for the sanitary disposal of waste shall be installed in compliance with the regulations of the Hillsdale Department of Health and all wells shall be located in accordance with the regulations of said Department; provided that no septic system shall be installed between structures and lakefront without advance written approval of the Building Control Committee. A Sewage disposal permit shall be obtained from the Hillsdale Department of Health prior to beginning construction on any lot in this subdivision.
- g) No unsightly receptacle for the storage or disposal of garbage or trash shall be placed on any lot.

3. SETBACK:

Setbacks vary according to the respective Terrace in which the plat is situated. However, if an owner of two adjoining lots) erects a structure so that the building sets on the common lot line, the sideline restrictions may be waived as to the line upon which the building is erected.

4. ASSESSMENT:

The purchaser of each lot shall become a member of and pay the required dues to Lake Bel Air Property Owners Association. Unpaid assessment may be denoted by an affidavit recorded in the office of the Hillsdale County Register of Deeds, and collected through proceedings in a court of proper jurisdiction in the same manner as are real estate mortgages and liens.

5. SIGNS:

No "For Sale" signs or advertising devices of any kind shall be erected on any lot except one unlighted sign not exceeding four square feet.

6. WATER SKIING AND BOAT SPEED LIMITS:

In canals and channels, maximum speed limit shall be 5 miles per hour. No water skiing will be permitted before 10:00 AM or after 7:00 pm.

7. ANIMALS:

No animal other than domestic house pets under leash or other control may be housed or otherwise maintained in this subdivision. Domestic house pets may not be bred or raised for sale.

8. DOCKS,

No dock extending more than fifteen (15) feet into Lake Bel Air, or other structure maybe erected within the waters of said lake without approval of the Building Control Committee.

9. BUILDING CONTROL COMMITTEE

The Building Control Committee shall consist of three (3) Directors. Any two members of the Committee shall approve plans and specifications for all structures to be erected in the subdivision. The Committee may reject any plan because of similarity to nearby structures, or because the building is to be improperly placed on the lot. No construction shall be commenced until the Committee has approved the plans and specifications in writing.

10. MOWING

All lots shall be kept mowed, free from trash, and in a neat and orderly condition.

11. FENCES:

Fences shall not be constructed so as to be detrimental to the appearance of adjoining property or to inconvenience neighbors and no fences in excess of three feet in height shall he permitted.

12. INVALIDATION:

The covenants specified above (Nos. 1 through 12) shall run with the land and shall be binding on all properties claiming under them until July 1, 1982, and shall be extended for successive periods of ten years unless prior to the expiration of any ten year period an instrument signed by the majority of the then owners of record, of a majority of lots in the subdivision, has been recorded changing or modifying said covenants in whole or in part. Invalidation of any-one of these covenants shall in no wise affect any of the other provisions, which shall remain in full force and effect.

COVENANT IN PERPETUITY

- (a) All lots are subject to the easements shown on the plat.
- (b) The lake level of Lake Bel Air has been set by the Hillsdale County Circuit Court at 1,108.0 feet (U.S.G.S. datum) above sea. level. The flood plain level is defined by elevation 1,1110 (U.S.G.S. datum) as set by the Michigan Water Resources Commission in accordance with Section 117 of Act 288 of Michigan Public Acts of 1967. Any building constructed on any of the lots in said subdivision used or capable of being used for residential purposes and occupancy shall:
 - 1. Have lower floors, excluding basements a minimum of one foot higher than the contour defining the flood plane limit.
 - 2. Have openings into the basement not lower than the elevation of the contour defining the flood plain limit.
 - 3. Have basement walls and floors, below the elevation of the contour defining the flood plane limit, water tight and reinforced to withstand hydrostatic pressures from a water level equal to the elevation of the contour defining the flood plane limit.
 - 4. Be equipped with a positive means of preventing sewer backup from sewer lines and drains which serve the building.
- (c) These Perpetual Restrictions are excluded from any time limitation and may not be amended.