

LIBER 212 PAGE 554

AMENDED DECLARATION OF RESTRICTIONS  
PINNACLE ESTATES ASSOCIATION

WHEREAS, Pinnacle Estates Association, as successor in interest to Pinnacle Hill, Inc., Subdivider, is the property owners association for the following subdivisions:

Rifle River Valley Estates  
 Rifle River Valley Estates #2  
 Rifle River Valley Estates #3  
 Rifle River Valley Estates #4

ARENAC COUNTY  
 REGISTER OF DEEDS

*[Signature]*

JUN 1 4 03 PM '90

RECORDED

WHEREAS, the above described subdivisions are subject to the following declaration of restrictions:

Rifle River Valley Estates at Liber 138, Page 199 of Arenac County Records;

Rifle River Valley Estates #2 at Liber 142, Page 180 of Arenac County Records;

Rifle River Valley Estates #3 at Liber 148, Page 27 of Arenac County Records;

Rifle River Valley Estates #4 at Liber 157, Page 328 and Liber 157, Page 579 of Arenac County Records.

WHEREAS, the property owners association desires to combine and to amend the above restrictions to cause the restrictions to be uniform to all subdivisions.

NOW, THEREFORE, the Pinnacle Estates Association does hereby establish and declare that all of the above described subdivisions be subject to the following restrictions:

By-laws L. 369 P. 223

1. Building Site: A building site is defined as any one or more contiguous platted lots within the subdivision. Any portion or part of a lot shall not be a building site, without being joined with a contiguous lot or lots.
2. Use: Any structure erected upon any lot in this subdivision shall be for residential purposes only and may not be used for any commercial purposes. All lots are considered residential except those lots designated by the Subdivider and the Pinnacle Estates Association for recreational use or purposes. No camping or tenting on any lot, unless approved in writing by the building committee.
3. Building Committee: The building committee shall consist of three members appointed by the Board of Directors upon adoption of these restrictions and then every two years at the time of election of officers of the Association. In the event of resignation, disability, or death of any member, the Board of Directors shall appoint a replacement.
4. Construction Permit: No construction shall be commenced upon any lot within the subdivisions until approved in writing by the building committee. The following are the minimum standards of construction.
  - a. All dwelling shall have a minimum size of 720 square feet if one story and a minimum size of 1,000 square feet if two stories. Provided, that on lots where mobile homes are permitted, the minimum size shall be 720 square feet.
  - b. All construction material must be new and the exterior of all buildings must be completed within six months after start of construction.
  - c. All exterior surfaces must be finished or painted. Roofs must be of approved material and rolled roofing will not be acceptable.
  - d. Garages shall meet the same construction requirement as dwellings and may not be used for dwelling purposes.

LIBER **212** PAGE **556**

5. Occupancy: No dwelling or mobile home may be occupied until an occupancy permit is obtained from the state/county building inspector or the building committee.

6. Set backs: Any structures erected or placed on any lot within the subdivisions shall be set back at least 40 feet from the front and rear lot line and shall be set back 10 feet from the side lot lines.

7. Fences: Only ornamental fences of not more than 4 feet in height may be erected along the side lot lines and they shall not extend forward of the front setback line. All fences must be approved in writing by the building committee.

8. Trailer or Mobile Home: No trailers or mobile homes of any description or type, whether on wheels or permanent foundation or otherwise shall be parked, used or stored on any lot within the subdivision. Provided that mobile homes, subject to approval of the building committee in writing will be allowed on the following lots:

a. Lots 30 through 54, lots 97 through 150 and lots 174 through 180 of Rifle River Valley Estates.

b. All lots within Rifle River Valley Estates #2.

c. All lots within Rifle River Valley Estates #3.

d. All lots within Rifle River Valley Estates #4.

All mobile homes must be inspected and approved in writing by the building committee, before being moved onto any lot, along with the location of the mobile home on the lot. No mobile home older than three years shall be approved by the building committee for placement on any lot without approval of the Board of Directors. No mobile home shall be located on a lot with less than 2,000 square feet, without the written approval of the building committee.

9. The homesite layout, showing well, septic tank, and septic tank field plans shall be approved, in writing by the building committee and township building inspectors. No well or septic tank installation should be started without such written approval. No

LIBER **212** PAGE **557**

occupancy of any dwelling, and no parking of any mobile home, will be approved or allowed until proper water and septic tank installations are complete. In general, the owner shall follow and abide by the terms of the SANITARY CODE FOR ARENAC HEALTH DISTRICT (copies of which are available from the Health Department) and approval will be made by the County Health Department. Outhouses or outdoor toilets are expressly prohibited.

10. Signs: No signs "for sale" or otherwise shall be placed on any lot at any time without the approval of the building committee, in writing.

11. Animals or Pets: No animals, poultry or other livestock shall be kept or raised on any lot in the subdivision at any time, EXCEPT, that a cat or dog or other domestic pet may be kept, PROVIDED, that it is properly restrained at all times. With the written approval of the building committee, a riding horse or horses may be kept PROVIDED, that the owner of such horses owns a minimum of one-half acre per horse maintained and constructs a barn or corral approved by the building committee. Plans for such barn or corral should be submitted in writing for approval before commencement of any construction.

12. Garbage or Debris: All lots shall be kept clean of debris, refuse and scrap or junk, and in a presentable condition at all times. The building committee shall have the right to enter upon any lot at any time to clean the same and costs of cleaning may be charged to the owner. No owner or other person shall permit garbage to accumulate except in covered containers of rodent proof, fly proof and water tight construction. Garbage shall be disposed in a manner which creates neither a nuisance or a menace to health. The depositing of garbage on the ground or into the river or other body of water is expressly prohibited. All garbage shall be removed twice a week during the months of June, July and August, and once a week during

LIBER **212** PAGE **558**

the remainder of the year. Disposal must be made at the regular established township dumps in accordance with the regulations at the dumping grounds.

13. Easements: Easements are reserved over and across said lots for public utility installations necessary to provide services and conveniences to the owners and occupants of said lands. So far as practical, unless indicated on the recorded plat of said subdivision, said easements shall embrace not more than six feet of the front or rear of each lot and not more than five feet adjoining the side lot lines. Only division fences may be constructed on the lands reserved as easements, subject to the possibility of their removal or disturbance, if necessary, in the construction, repair or replacement of the utility facilities.

14. Assessments: Each owner of property subject to this declaration shall pay an annual assessment to the Pinnacle Estates Association.

a. Assessments levied by the association shall be used to promote the recreation, health, safety and welfare of the residents in this subdivision and, in particular, for the improvement, maintenance and construction of facilities devoted to the common use and enjoyment of the owners including payments to the developer for facilities constructed and intended for the use and enjoyment of the owners, payment of taxes and additions thereto, and for the cost of the labor, equipment, materials, management and supervision thereof.

b. The annual assessment shall be determined by the Board of Directors of Pinnacle Estates property owners association at their annual meeting each and every year. The assessment may be revoked or amended upon a majority vote of all property owners within the subdivision.

c. Annual assessments shall commence on the 1st day of January. Succeeding assessments shall be due and payable on the 1st day of January of each

LIBER **212** PAGE **559**

year. No adjustments or prorations of assessment shall be made by the Association. Assessments shall be considered as paid in advance.

d. The Board of Directors of the Association shall prepare a roster of the properties and assessments applicable thereto at least thirty days in advance of such assessment due date. Such assessment shall be kept in the office of the Association and shall be open to inspection by any owner.

Written notice of the assessment shall be sent to every owner subject thereto.

e. Assessments not paid when due shall be a continuing lien upon the property and shall extend to each of the lots owned by the multiple lot owner and shall bind such property in the hands of the delinquent owner, his heirs and assigns. The obligation of the owner to pay such assessment, however, shall remain his personal obligation for the statutory period and shall not pass to his successors in title unless expressly assumed by them.

A \$5.00 penalty fee shall be added to assessments not paid within 365 days of the due date and the Association may bring an action at law against the owner and foreclose the lien against the property. Delinquent fees and cost of preparing and filing the complaint shall be added to the assessment in such action and in the event that judgment is obtained, such judgment shall include interest on the total amount and actual attorney fees, together with the cost of the action.

f. The lien of the assessments provided for herein shall be subordinate to the lien of any mortgage or mortgages now or hereafter placed upon the properties subject to assessment.

15. Members: All owners of lots within the subdivision of Rifle River Valley Estates "1", "2", "3" and "4", shall be members of the Pinnacle Estates Property Owners Association.

LIBER 212 PAGE 560

16. Violations: If any person shall violate or attempt to violate any of the covenants or restrictions herein contained, it shall be lawful for any other person or persons owning any lot or site in said subdivision or prosecute any proceedings at law or in equity against each person or persons either to prevent them from doing so or to recover damages or other dues for such violation.

17. Variance: The intent of the foregoing restrictions is to insure the use of the entire plat for attractive residential purposes, to prevent nuisances, to prevent imperilment of the attractiveness of the property, to maintain the desirability of the community and thereby to secure such property owner the full benefits and enjoyments of his home with no greater restrictions upon the free and undisturbed use of his property than are necessary to insure the same advantages to other owners. Variances not so consented to in writing may be prosecuted in any court of proper jurisdiction by action of any person owning property subject to these restrictions.

18. Invalidation: These covenants shall run with the land and shall be effective in perpetuity. Invalidation of any one of these covenants by judgment or decree shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

19. Amendments: These restrictions may be amended by a two-thirds vote of all of the property owners in attendance at any annual meeting of the Association.

These bylaws were adopted on the 17th day of May, 1989 and shall be effective upon recording with the Arenac County Register of Deeds.

PINNACLE ESTATES PROPERTY  
OWNERS ASSOCIATION

By: Donald Spycher  
Donald Spycher, President

Mary E. Robinson  
Mary E. Robinson

Patrick R. Winter  
Patrick R. Winter

LIBER 212 PAGE 561

By: Richard Dell  
 Richard Dell, Vice-President

By: Joan M. Rigley  
 Joan M. Rigley, Secretary

By: Lowell Wilkinson  
 Lowell Wilkinson

By: Gus Moll  
 Gus Moll

By: David J. Shepard  
 David J. Shepard

By: Kenneth R. Kerr, Sr.  
 Kenneth R. Kerr, Sr.

By: James Hilton  
 James Hilton

By: Frank Solinski  
 Frank Solinski

Subscribed and sworn to before me this  
17th day of May, 19 89

Patrick R. Winter  
 Patrick R. Winter

Notary Public

Arenac County, Michigan

My commission expires: 6/24/92

PREPARED BY:  
 PATRICK R. WINTER, P.C.  
 229 E. Cedar, P.O. Box 939  
 Standish, MI 48658  
 517-846-4589