

DECLARATION OF BUILDING AND USE RESTRICTIONS
PINNACLE ESTATES ASSOCIATION REPLACING DECLARATION AND USE
RESTRICTIONS ADOPTED MAY 17TH, 1989 AND MAY 26TH, 2007 AND August 3rd, 2019

WHEREAS, Pinnacle Estates Association, as successor in interest of Pinnacle Hill, Inc.,
Subdivider, is the property owner's association for the following subdivisions:

Rifle River Valley Estates

Rifle River Valley Estates #2

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Rifle River Valley Estates #3

Rifle River Valley Estates #4

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 at Liber 157, Page 579 of Arenac
County Records.

WHEREAS the property owner's 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 subscribed subdivisions be subject to the following restrictions.

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 purpose. All lots are considered residential except those lots designated by the Subdivider and the Pinnacle Estates Association for recreational use or purposes.
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 all township and county permits have been obtained and verified in writing by two (2) members of Pinnacle Estates Building Committee. The following are the minimum standards of construction.
 - a. All dwellings 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 requirements as dwellings and may not be used for dwelling purposes.
5. Occupancy: No dwelling or mobile home may be occupied until an occupancy permit is obtained from the state/county building inspector and verified in writing by two (2) members of Pinnacle Estates 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 split-rail fences of not more than four (4) feet in height may be erected along the side lot lines and they shall not extend forward of the front setback lines. (Set back is 40 feet from middle of the road). All fences must be approved in writing by two (2) members of Pinnacle Estates 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 Valley Estates #2

- c. All lots within Rifle Valley Estates #3
- d. All lots within Rifle 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 (3) 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 12,000 square feet, without the written approval of the building committee.

9. Animals or Pets: Domestic animals, such as cats, dogs or other domestic pets are permissible. Dogs must be properly restrained at all times. A riding horse or horses may be kept PROVIDED that the owner of such horses owns a minimum of one-half acre per horse, maintains and constructs a barn or corral approved by two (2) members of the Pinnacle Estates Building Committee. Plans for such barn or corral should be submitted in writing for approval before commencement of any construction. Chickens may be kept with written approval of two (2) members of the Pinnacle Estates Building Committee provided the homeowner has one-half acre or more. No more than eight (8) chickens. Roosters are not permitted.

10. 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 watertight construction. Garbage shall be disposed

of in a manner which creates neither a nuisance or a menace to health. The depositing of garbage on the ground or in the river or other body of water is expressly prohibited.

11. 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 the 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 the 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 in attendance of the Annual Meeting.
- c. Annual assessments shall commence on the first day of January. Succeeding assessments shall be due and payable on the first day of January of each year. No adjustments or prorations of assessment shall be made by the Association. Assessments shall be considered 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 (30) 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 subject to a continuing lien upon the property and shall extend to each of the lots owned by the multiple lot owners and shall bind such property in the hands of the delinquent owner, his heirs and assigns.
- f. Liens shall be placed when dues are 3 years in arrears unless the property is placed for sale within 2 years of being in arrears. Special circumstances may be reviewed by the Board of Directors when the lien shall be placed will be notified 30 days in advance of lien placement. Copies of liens will be sent to the owner by certified mail.
- g. A five-dollar (\$5.00) penalty shall be added to assessments not paid on or before June 1, of each and every year and an additional five-dollar (\$5.00) penalty fee shall be charged for each additional six (6) months delinquency, 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 in any 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. That all other terms and conditions of the Amended Declaration of Restrictions of Pinnacle Estates Association recorded at Liber 212, Page 554, of the Arenac County Register of Deeds shall remain in full force and effect.
- h. 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.

12. 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.

13. 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.

14. Variance: The intent of the foregoing restrictions is to insure the use of the entire plat value for residential purposes, to prevent nuisances, to prevent imperilment of the value 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 the action of any person owning property subject to these restrictions.

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

16. Amendments: These restrictions may be amended by a two-thirds vote of all of the property owners in good standing in attendance at any annual meeting of the Association. These Building Use and Restrictions were adopted on the 3rd day of August 2019 and shall be effective upon recording with the Arenac County Register of Deeds.

PINNACLE ESTATES PROPERTY
OWNERS ASSOCIATION

By: Sharon Williams
Sharon Williams, President

Subscribed and sworn before me this 6th day of
May, 2024.

Jade Wilson, Notary
Jade Wilson

Arenac County State of Michigan

My commission Expires: March 16, 2029

PREPARED BY:
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