

TO: All Members of the ELBOW LAKE COTTAGE OWNERS ASSOCIATION

From: The 2007-2008 Board of Directors

The attached documents now in your possession have been duly read and explained to the membership majority of the ELBOW LAKE COTTAGE OWNERS ASSOCIATION and have been accepted by a vote of the membership majority, during the 2007 ELCOA Annual Membership Meeting.

These documents are meant to: (1) convey the agreements and guidelines for the safety and protection of all Elbow Lake Residents & (2) describe the ByLaws pertaining to the operation and regulation of the Elbow Lake Cottage Owners Association officers and Directors.

These documents now replace all previous documents pertaining to the same subject matter and as required, will be filed with the State of Michigan, the Count of Clare & Franklin Township offices, the DNR and the Marine Division of the Clare County Sheriff's Department.

It is with sincere hope of the membership, that the enhancement of safety and protection will be afforded by conformance to these documents by all, where applicable.

Thanking you in advance for your continued cooperation.

Shirley A. Miller
President ELCOA

Sam/October 2007

ELBOW LAKE COTTAGE OWNERS ASSOCIATION

- **ELCOA** -

Membership Agreements and Behavior Guidelines

The membership of the Elbow Lake Cottage Owners Association have recommended and agreed upon by majority, to abide by the following guidelines for maintaining neighborly respect, safety and welfare for the protection of personal and ELCOA properties.

The safety of the Elbow Lake Subdivision area will depend on each and everyone of the ELCOA members respecting these guidelines, cooperating with all it's members, including their families and guests, and further sharing these agreements with all residents of the ELBOW LAKE area proper even though they may not be members of ELCOA.

It is further understood by the membership that Michigan Waterways Laws governing the use and operation of watercraft, will be enforced on Elbow Lake, by the DNR and the Marine Division of the Sheriff's Department and further understood that if these agreements and guidelines set forth in this document are followed, outside law enforcement will not be required.

ELBOW LAKE COTTAGE OWNERS ASSOCIATION

Members Agreements & Guidelines for the Protection of Property, Safety & Respect

The membership of the Elbow Lake Cottage Owners Association have recommended and agreed by majority, to abide by the following guidelines for maintaining neighborly respect, safety and protection of property values.

It is well understood by all that the success of the Elbow Lake Cottage Owners Association, and the Elbow Lake area in general, will depend on everyone respecting these guidelines. Through the cooperation of all members, residents, their families and guests, the Elbow Lake area will be a beautiful place for vacation and year around living for all.

BOATING/WATERCRAFT:

- **Members** and their families and guests, will be totally responsible for the safe and respectful operation of their watercraft in accordance with State Laws covering regulations of speed limits, waterskiing, jet-skiing, tubing, and mandatory personal safety equipment.

This includes members, their families and guests, while operating their motor powered watercraft in excess of 5 mph, must do so in a safe, respectable counterclockwise direction staying at least 100 feet from shore, docks, rafts and boats either anchored or not under power, from **11:00 A.M. TO 5:00 P.M., EXCEPT on Holiday Weekends**, when they will be extended to **6:00 P.M.**

THIS MEANS "NO WAKE" AFTER 5:00P.M. or 6:00 P.M. Holiday weekends.

The evening time limits afford all residents a "quiet-time" and needs to be respected as such by all.

Members will be present with, or provide written permission to their guests, allowing the launch of watercraft into Elbow Lake via the designated Northwest Access Site only.

Members, their families and guests will be responsible for maintaining the general Cleanliness of the Northwest Access site, including closing the gate after leaving.

Members will have all their personal watercraft identified with a "Association Sticker".

SWIMMING:

Members, and their families, will be totally responsible for the education of their guests as to their expected safe and respectful swimming/ beach behavior.

Members, their families and guests will accept full personal responsibility for their own individual conduct relating to safe swimming/beach behavior.

Members, their families and guests, will swim only within 100 feet from shore during the hours of 11:00 A.M. to 5:00 P.M. EXCEPT on holiday weekends when they will be extended to 6:00 P.M. to eliminate the risk of injury from powered watercraft operating beyond the 100 ft. boundary.

Members, their families and guests, will use a boat escort with a person aboard capable of handling an emergency situation, if encountered by the swimmer, when swimming out beyond 100 ft. from shore only during the times before 11:00 Am. and after 5:00 P.M. EXCEPT on Holiday Weekends when they will be extended to 6:00 P.M. NO WAKE AFTER 5:00 P.M. (6:00 P.M. Holiday Weekends).

Members and their families will be present with or provide written permission allowing their guests the privileges at the North Central Access Site designated for swimming only.

Members, their families and their guests, will maintain the general cleanliness of the North Central Access Site designated for swimming only.

Members, their families and their guests, will limit their swimming activity at the swim site to 10:00 P.M. and will further limit noise and disturbing activity to 11:00 P.M., at which time the site will be vacated.

Bygones

By-Laws

of the

Elbow Lake Cottage Owners Association, Inc.

Mission Statement

The Elbow Lake Cottage Owners Association, Inc. (ELCOA), comprised of legal property owners within the recorded SUPERVISOR'S PLAT OF ELBOW LAKE SUBDIVISION PLAT OF ELBOW LAKE RESORT and ELBOW LAKE RESORT No's 2, 3 & 4, having been incorporated on September 8, 1967, in the State of Michigan within the United States of America, have joined together as an association, to acquire to retain and dispose of real and /or personal property, in such a manner that will aid and assist in the conservation, the beautification of all such properties, to enhance such personal and association property values, while creating and maintaining a vacation-like environment. These By-Laws and other agreed upon guidelines, have been created by and agreed upon by the ELCOA membership, addressing the safety, health and welfare of all members, their families and guests. These By-Laws and agreements are limited to those residing in the area as defined by the SUPERVISOR'S PLAT OF ELBOW LAKE SUBDIVISION PLANT OF ELBOW LAKE RESORT and ELBOW LAKE RESORT No's 2, 3 & 4, and as such, pertain only to members of the **Elbow Lake Cottage Owners Association, Inc.**

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MISCELLANEOUS

Members will remove or visually identify submerged objects in the water to prevent potential safety hazards.

Members will pay strict attention to the performance of their septic and drain systems in their cottages, so as not to pollute the water in Elbow Lake.

Members will contact the Association Board Members before adding any chemicals to the lake for any reason.

Members will use the provided containers at the lake access sites only for garbage and refuse created during the use of these sites. Garbage and refuse from cottages may be disposed of by contracted garbage pick-up service.

Members will exercise caution, safety and respect for other people and their property, when using fireworks. Dry conditions in the area may preclude the use of all fireworks due to risk of grass or forest fire.

Members will abide by the speed limits and show common sense & respect for their neighbors and others, when operating vehicles on the roads and trails. This applies to all seasons of the year and all forms of vehicles used during these seasons.

Members will keep their animals restricted to personal property or on a leash when leaving their property such as walking along the roads.

Members will maintain general cleanliness of their properties regarding, garbage, refuse and other junk items that would detract from the beauty and may offer risk of health concerns in the area.

ARTICLE II

MEMBERSHIP MEETINGS

- Sec. 1. Annual Meetings of the membership shall be held on the first Saturday of August, 11:00 A.M. at a location to be designated by the Board of Directors, for the purpose of electing Board Officers & Directors and conduction all other business brought before the membership.
- Sec. 2. Special Meetings of the membership may be called by the President and/or Secretary requesting in writing or by the vote of the Board of Directors, or at the request of members in writing by not less than ten (10) members, stating the intended purpose of the meeting.
- Sec. 3. Meeting Notice must be communicated in written form mailed to each member at his last recorded address, at least ten (10) days prior to the meeting, briefly indicating the time, place and purpose of the meeting. Should members waive written notice of the subject meetings or have provided incorrect address information for mailing, such a meeting shall be considered valid for all purposes providing proper membership quorum is in attendance.
- Sec. 4. Meeting Quorum shall consist of one third of the membership recorded on the latest Treasurer's list of those attending the meeting. Meetings with less than the required quorum can be rescheduled for another date decided by a majority of those members in attendance at the meeting. No further notice other than the announcement at the meeting will be required to schedule the next meeting and when such a meeting takes place, all issues and business may be conducted providing a quorum of the membership is present.
- Sec. 5. Meeting Organization shall consist of the President calling the meetings to order and acting as chairman through adjournment unless otherwise determined by the majority of all members present. The secretary shall perform the duties as required, however, in the absence of the secretary, or the inability to perform as secretary, the presiding officer may appoint any member to act as temporary secretary.
- Sec. 6. Meeting Inspectors shall be requested by the majority of the membership at such meetings where the right to vote and election returns may be challenged. Inspectors need not be members in order to avoid a bias situation. The results of their activity shall be final.

ARTICLE III

DIRECTORS

Sec. 1. **The Board of Directors** shall be a minimum of five in total numbers, delegated with the responsibilities for managing the business and controlling the properties of the Association. Should more than five be elected, the total must be odd in numbers. All Directors shall hold a term of office as follows:

Even numbers for a term of two years
Odd numbers for a term of three years

or until their successors are elected and qualified.

Sec. 2. **Directors Meetings** may be held in such a place or places in our out of the County of Clare, in our out of the State of Michigan as determined by the Board of Directors. Special funding for "out-of-town" meetings must be voted on and approved by the membership. Meetings shall be called at any time by the President or Secretary or by a majority of the Board of Directors. Notice of such meetings shall be given in written form, mailed to all members of the Board, specifying the time. Place and purpose of meeting. Any Director shall, however, be deemed to have waived such a notice by attendance at any meeting.

Sec. 3. **Directors Quorum** shall be defined as a majority of the Board of Directors. Should less than a quorum be present, business transactions shall not be conducted and with a majority vote of those in attendance, the meeting shall be adjourned in favor of another date.

Sec. 4. **Directors Vacancies** shall be filled by the remaining members of the Board and shall remain as a Director until such time as replaced by a successor duly elected by the membership at a special meeting or at the Annual Meeting of the membership.

Sec. 5. **Directors Compensation** or salary for services as a Director, shall not be permitted unless specifically ordered by these By-Laws.

ARTICLE IV

OFFICERS

- Sec. 1. **The membership** shall nominate and vote into office for a one year term, a President, Vice President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer. Any two of the above offices, with the exception of the President and Vice President, may be held by the same person. Officers shall not receive salaries or other compensation for their services rendered to and/or on behalf of the Association.
- Sec. 2. **The Board of Directors** may appoint other officers and agents as they may deem necessary for the transaction of business of the association. Such appointments shall carry the responsibility and authority as designated by the Board of Directors and may require the fidelity of any and/or all such officers, by bond or otherwise. All appointees must be qualified members of ELCOA.
- Sec. 3 **The Board of Directors** shall have the right to remove any officer or agent whenever, in their judgment, the business interest of the Association will be served thereby. This action may be taken without limitation of any right of an officer or agent, to recover damages for breach of written or any form of intended contract.

ARTICLE V

DUTIES OF OFFICERS

- Sec. 1. **The President** shall be the chief executive officer of the Association and in the recess of the Board of Directors, shall have the general control, authority for management of the Association's business and affairs, subject, however, to the authority granted by the Board of Directors to any other officer(s) appointed on their behalf. The President shall preside at all meetings of the Directors and all meetings of the membership, unless otherwise directed by the majority of the members present.
- Sec. 2. **The Vice President** shall assist in the duties of the President and shall assume these duties should the office of President be vacated through death, resignation, removal, absence or disability to properly discharge the duties of the Office of President. The Vice President shall also perform all other duties so directed and authorized by the Board of Directors.
- Sec. 3. **The Treasurer** shall have custody of the accounts relating to money, all funds and property of the Association, unless otherwise determined by the Board of Directors and shall render such accounts and present such statements as may be required by the President and/or Board of Directors.

The Treasurer shall deposit all funds under the name of the Association in such bank(s) as approved by the Board of Directors and pay out money as the business of the Association requires and/or upon the request of a constituted officer(s), taking proper vouchers therefore; provided, however that the Board of Directors, in accordance with their authority, shall have delegated any of the duties of the Treasurer, to other officers for any reason of Association business. The Treasurer shall perform, in addition, all such other duties as may be delegated by the Board of Directors.

Should this organization dissolve it will be the Treasurer's responsibility to transfer all assets, including personal property of ELCOA to the Township of Franklin, Clare County, Michigan in accordance with our Section 528 exemption as a Homeowner's Association.

- Sec. 4. **The Secretary** of the Association shall keep the minutes of all Membership and Board of Directors meetings, keeping such records for future reference as to Association Business Activities. The Secretary shall sign, with the President or Vice President, on behalf of the Association, all contracts authorized by the Board of Directors and shall have charge of all such records/papers as directed, all of which shall be available at reasonable times, for examination of any Director upon application to the Secretary. The Secretary shall, in addition to these duties, be required to discharge other responsibilities as may be delegated by the Board of Directors.

RULES & REGULATIONS

ELBOW LAKE COTTAGE OWNERS ASSOCIATION

1. Any property owner or family member **MUST BE PRESENT** or have provided **WRITTEN PERMISSION** for guests to allow access to the lake.

All property owners allowing egress through premises to the lake are subject to all rules of the association and are to be held responsible.

2. Boating and skiing hours will be from 11:00 a.m. to 5:00 p.m., EXCEPT on holiday weekends when they will be extended to 6:00 p.m; this also means **NO WAKE** after said hours.

All power boats and skiers shall observe the 100-foot limit from all docks and shall operate in a counter-clockwise direction as provided by **STATE LAW WHICH ALSO REQUIRES TWO PEOPLE IN A BOAT WHEN PULLING A SKIER.**

Person between 12-14 may use personal watercraft if accompanied by parent or legal guardian, both having obtained boating safety certificate. Persons born after December 31, 1978 shall not operate a personal watercraft unless they obtain a boating safety certificate.

When rafts are not being used, they should be pulled into shore or tied to your dock. This will allow everyone full access to the lake.

If you have a submerged dock, boat or obstacle, please mark it with a flag as this is a hazard to other boaters.

3. All cottage owners are responsible for safe operation of boats at all times.
4. Non-swimmers should wear a life jacket at all times when in or on the lake.
5. **For safety reasons, the West (BOAT) access should be used for beaching boats, and North-center access will be used for swimming.**
6. Dishwashers, washing machines and septic tanks **MUST NOT** be drained into the lake as this pollutes the lake. Clare County Environmental Protection Agency will be checking for these violations.

FIREWORKS USERS – please make sure you are aiming them carefully, preferably straight up in the air. Some have handed on others' roofs, property, pontoon boats and, in one case, Hair!!

ARTICLE VI

Sec. 1. Amendments to these BY-LAWS may be made by a majority vote of the members, constituting a quorum at a proper meeting held in accordance with these BY-LAWS, to alter, add or repeal these BY-LAWS, including the fixing and altering of the Board of Directors and Officers of the Association.

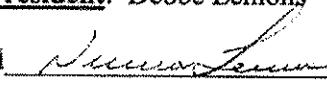
These BY-LAWS supersede those originally adopted at a special membership Meeting held by the Elbow Lake Cottage Owners Association, Inc., September 3, 1967 and August 2, 1994.

These BY-LAWS, as amended and approved by the Board of Directors, having been submitted to, voted on and approved by the membership of the Elbow Lake Cottage Owners Association at their officially scheduled annual membership meeting, held on the 4th day of August, 2007, at The Elbow Lake Bar, are now recorded as the official BY-LAWS of the ELBOW LAKE COTTAGE OWNERS ASSOCIATION.

President: Shirley A. Miller

Signed  Date 10-2-08

Vice President: Debbe Lemons

Signed  Date 10-2-08

Secretary: Mary Ann Wood

Signed  Date 10-2-08

Treasurer: Fred VanDeKerkhove

Signed  Date 10-2-08

Sam/October 2007

- NO. 36 -

Restrictions

For

Plat of Elbow Lake Resort
No. 2, being part of SW/4
Of Section 10 and part of
SE/4 of Section 9, T20N
R3W, Franklin Township,
Clare County, Michigan

Restrictions.

Acknowledged June 6, 1967.

Recorded June 7, 1967.

Liber 265 of Deeds, Page 256.

Know all men by these present, that
these covenants for Plat Restriction:
are hereby entered in covering lots
43 through 100, in Elbow Lake Resort
No. 2.

1. No lot shall be further subdivided or used for any other purpose than that of a private dwelling House. The construction of each dwelling, erected on any lot for a period of 15 years from the Date hereof, must be approved in writing by Donald E. Holbrook and Mark H. Bicknell or Their appointed representative.
2. Use: No buildings shall be erected on any lot other than single family dwelling houses to be Used for residential and recreational purposes and outbuildings, including garages incidental to The reasonable use and enjoyments of such dwelling houses. No business or commercial Enterprise may be conducted or maintained on any lot. Nor shall anything be done thereon Which may become an annoyance or nuisance to the neighborhood. No more than one such Dwelling house shall be erected on any lot.
3. Location: No building or obstruction other than boundary line fence shall be erected on any lot Nearer than 40 feet to the front lot line or nearer than 7 feet to the side lot lines.
4. Size: Construction: No building, containing less than 384 square feet of living area shall be Be constructed on any lot. All buildings shall be constructed of approved permanent building Material and the exteriors thereof shall be completely finished. Chimneys shall be of masonry Or approved prefabricated construction.
5. No house trailer or mobile home shall be parked neaer than 60 feet to the front lot line or 20 feet To the side lot lines. At no time shall any such trailer or mobile home become a primary dwell- Ing or be permanently set on any lot. No abandoned or unserviceable automobile, truck, or Othe rmotor vehicle, nor any accumulation of junk shall be parked or stored on any lot.
6. There shall be no discharging of firearms, including air rifles and pistols within said subdivision.
7. Waste material shall be accumulated in closed containers and garbage must be buried or Removed from premises.
8. Residents of this subdivision and their guests shall have privileges on and access to, Elbow Lake. Points of access shall be over and on a parcel of land between Lot 4, Elbow Lake Resort And Elbow Lake, and lots 5, 6, 7, 8, 9, 10 and 26 of Elbow Lake Resort, a subdivision located In and a part of the S/2 of SW/4 of Section 10, T20N, R3W, Clare County, Michigan.
9. If the parties hereto or any of them, their heirs or assigns shall violate any of the covenants Herein, it shall be lawful for any person or persons owning any Real property situated in said Subdivision to prosecute any proceedings at Law or in Equity against the person or persons Violating or attempting to violate any such covenant and either prevent him or them from so Doing or to collect damanges or other dues from such violation.
10. Invalidation of any one of these covenants by Judgment or Court Order shall in no way affect Any of the other provisions herein set forth and they shall remain in full force and effect.

**FRANKLIN TOWNSHIP
CLARE COUNTY
ORDINANCE NO. 11**

An ordinance to preserve the harmony, tranquility and general welfare of the inhabitants Of Elbow Lake Resort, Elbow Lake Resort Two, Three, Four and Elbow Lake Subdivision Of Franklin Township by regulating the conditions under which new residential housing May be introduced into the aforesaid:

THE TOWNSHIP OF FRANKLIN ORDAINS:

n

1. All restrictions included in Ordinance No. 2 remain applicable.
2. Any trailer house or mobile home used as a temporary dwelling may Not be moved into the above-described areas of Franklin Township without The written permission of the Franklin Township Board.
3. Any trailer house or mobile home used as a temporary dwelling, in conformance With the above two items, must be removed from the Township at the end of thirty Days after receipt of written permission as noted in item 2 above. Up to two Thirty day extensions may be granted by the Franklin Township Clerk.
4. All new residential housing in Elbow Lake Resort, Elbow Lake Resort Two, Three, Four and Elbow Lake Subdivision shall be a minimum of 1,000 square Feet of living area and shall meet all applicable BOCA building codes and Local codes.

Effective August 1, 1999
Jenette Hopkins, Clerk
Franklin Township
*** 35-1