

**VIOLATIONS WITHIN SHORLINE COMMON AREA
PER THE EASEMENT AGREEMENT
BETWEEN HALF MOON BAY COMMUNITY ASSOCIATION AND WRPCO**

The Wisconsin River Power Company (WRPCo) owns the Shoreline Common Area (the “SCA”) which is the approximate 100 foot wide area of land located between Half Moon Bay Community Association (HMB) property and the ordinary high water mark of the Castle Rock flowage. WRPCo granted HMB a non-exclusive permanent and perpetual easement (the “Easement”) for specified pedestrian and permitted recreational uses. Permitted recreational uses include swimming, boat storage (but only in slips or in designated areas at docks or piers or, on a temporary basis, on the beach), hiking, picnicking, and fishing.

The Easement contains various provisions regarding the uses and limitations of activities within the SCA. Specifically, the Easement provides that HMB “shall not have the right to alter the physical characteristics” of the SCA including, but not limited to, “cutting down or planting of trees or other vegetation” without the prior written consent of WRPCo. Recently, WRPCo developed a detailed vegetation management plan (the “VMP”) for the SCA. The VMP provides clarification on allowed and prohibited vegetation management activities on the SCA. It also provides a method for HMB members to obtain written consent for approved vegetation management activities on the SCA.

Any violations of the Easement or VMP place HMB in jeopardy of losing its right to use the SCA and maintain its marina. Accordingly, HMB has passed the following rules concerning activities within the SCA and fines for violations of the Easement or VMP.

The Easement is part of the Declaration of Covenants, Conditions and Restrictions for Half Moon Bay (the “Covenants”) which is recorded against each property of HMB. Copies of the Covenants, Easement and VMP are posted on our website and can be obtained by contacting our management office.

VIOLATIONS

Violation shall be defined as any action taken that violates the terms and conditions of the Easement or the VMP and includes but is not limited to:

1. Neither HMB nor its members shall construct or place any improvements of any type on the SCA without prior written consent of WRPCo and the Board of HMB (the “Board”). The only improvements that are allowed, with prior written authorization, are dock clusters, fishing piers, lighting fixtures, and a boat ramp. Prohibited uses of the SCA include without limitation the placement of chairs, benches, tables, wagons, barbecue grills, carts, bicycles, bird houses, paddle boats, kayaks, wave runners, or any other personal belongings and the dumping of grass clippings, brush and other refuse on the SCA. Additionally, all watercraft must be stored at an approved boat slip. Watercraft includes any motorized or non motorized boats, canoes, kayaks, sailboats, sailboards, wave runners, etc.”
2. Neither HMB nor its members shall use the SCA for any form of camping or have open fires on the SCA.

3. Neither HMB nor its members shall use motorized vehicular traffic on, over or across the SCA except to facilitate maintenance or construction work that has been approved in writing by the Board and WRPCo.
4. 4. Neither HMB nor its members shall alter the physical characteristics of the SCA including but not limited to the cutting down or planting of trees or other vegetation or modification of land elevation without prior written consent of WRPCo and the Board. There are no exceptions to this requirement. WRPCo's written consent must be obtained prior to any altering any vegetation in the SCA. WRPCo's written consent may be obtained by submitting a development application that follows the VMP guidelines
5. Neither HMB nor its members shall use the SCA in any manner which could endanger health, create a nuisance or be otherwise incompatible with recreational use of the SCA.

Identification of a Violation will be defined as the result of any the following:

- WRPCO notifies the Board in writing of a Violation by an HMB member
- HMB through its own Self-Inspection program identifies a Violation by an HMB member
- If another HMB member or outside organization reports a Violation to the Board and the Board investigates and finds this to be a valid Violation

An HMB member is responsible for any Violation caused by a vendor or contractor hired by the member to do work on their property. As such, it is the responsibility of the HMB member to notify their vendors or contractors of these rules and the restricted activities within the SCA.

In all situations, the HMB member in violation will be notified in writing of the Violation(s). Written notification will be in the form of a certified letter to the main residence of the member with a copy to their address of their property within HMB. A copy of each such Violation notice will be sent to WRPCo.

At any time during the process outlined herein, WRPCo maintains the right to prosecute any person for trespass on its property for any of the Violations provided for here. Such prosecution shall be in addition to, and not in place of, the process provided for herein.

FINES/PENALTIES FOR VIOLATIONS

<u>FIRST VIOLATION</u>	\$250
<u>SECOND VIOLATION</u>	\$500
<u>THIRD VIOLATION</u>	\$1,000 + Board shall have the right to suspend rights to use of the HMB marina, marina area, clubhouse and pool until such time that the Violation is cured

HMB member in violation shall be given a thirty (30) day period to cure the Violation unless such Violation requires a longer period such as seasonal planting which will be defined and approved by the Board. If another Violation occurs during the suspension period, the Board may

elected to extend the current suspension period beyond such time that the Violation is cured for a period not to exceed one year.

TERMS AND CONDITIONS OF FINES/PENALTIES LEVIED AGAINST VIOLATIONS

Fines for Violations shall be paid within thirty (30) days from date of written notification of Violation payable to HMB. All Violations shall be cured within thirty (30) days from date of written notification of Violation unless a longer period is granted by the Board in writing. If after ninety (90) days, the fine is still not paid, HMB may take appropriate legal action against the member in violation in order to collect such fines.

If the Violation is not cured within the thirty (30) day period (or longer, as approved by the Board in writing), the Board may impose an additional daily fine of \$10 for the 1st Violation and \$20 for any additional Violation until such Violation has been cured. If after 90 days, the Violation is not cured, HMB may take appropriate legal action against the member in violation.

At any time as the Board determines it necessary in order to protect its Easement rights, HMB may take action to cure the Violation. In such case, the HMB member in violation shall still be responsible for the fines as detailed herein and shall be responsible to the costs incurred by HMB in curing the Violation.

An HMB member in violation of the Easement or VMP shall reimburse HMB for all costs incurred by HMB, including, without limitation court costs and legal expenses, (i) in performing acts to cure the Violation, (ii) in taking action against such HMB member to enforce these rules or collect fines issued in accordance with these rules. These expenses will be documented and sent to the HMB member in violation, or (iii) in paying for the reimbursement of costs demanded by WPRCo for their involvement in the Violation. Such expenses shall be paid to HMB within thirty (30) days of the date of the notice of expenses. If such expenses are not paid within thirty (30) days of notification, HMB may take appropriate legal action against the member in violation in order to collect such fines. In addition, the Board may suspend the use of HMB marina, marina area, pool and clubhouse of member in violation until such time the fine and expenses have been paid.

HMB shall have the right to record a lien against the property of a member in violation for any fines not paid in accordance with these rules or any judgment received by a Court of law for unpaid fines.

VIOLATION APPEAL PROCESS

If an HMB member accused of a Violation denies any wrongdoing they can appeal the Violation by notifying the Board in writing via certified letter addressed to the current President of the Board within five (5) business days of the date of the notice of Violation. This appeal document must state specific facts defending why the allegation should not be defined a Violation.

The Board will review any written appeal and provide a written response within ten (10) business days of receipt of any such written appeal. The Board may contact WPRCo for consultation at any time. If the Violation stands, the Terms and Conditions stated above will start on the date you receive this final disposition.