

**RESTRICTIVE COVENANTS FOR  
HIDDEN VALLEY FISHING CLUB**

Whereas, Richard A. Morgan and Patsy R. Morgan subdivided tracts of land in Sections 27, 28, 33, and 34, Township 31 North, Range 11 East, in Cape Girardeau County, Missouri, referring to the subdivisions as Hidden Valley Fishing Club Units No. 1, 2 and 3 and;

Whereas, on October 1, 1974, Richard A. Morgan and Patsy R. Morgan, pursuant to an agreement with owners of lots in Hidden Valley Fishing Club, transferred all their interest in the lakes, roads and parkland to Hidden Valley Fishing Club, a Missouri not-for-profit corporation, and;

Whereas all of the owners of lots in said Hidden Valley Fishing Club Units No. 1, 2 and 3 desire to clarify the rights and obligations of members in the Hidden Valley Fishing Club, and;

Whereas, in order to accomplish this objective, the owners of lots in said Hidden Valley Fishing Club Units No. 1, 2 and 3 mutually agree to rescind and revoke all prior restrictive covenants, rules and regulations previously in force.

Now, therefore, in consideration of each lot owner agreeing to be bound by the terms and conditions of these restrictive covenants, and upon the filing of this document with the Recorder of Deeds of Cape Girardeau County, it is mutually agreed as follows:

- I. All previous restrictive covenants, rules and regulations, are hereby rescinded and revoked.
- II. The following restrictions, conditions, rules and covenants shall be considered as covenants running with the individual lots, as well as with all the land owned in common by the lot owners through Hidden Valley Fishing Club all located in said sections 27, 28, 33 and 34, and shall be binding on the undersigned, their heirs, successors and assigns:

**Definitions**

- A. Whenever the term "lot owner" is used, it shall mean the owner of record of any lot, and for purposes of all requirements included in these restrictive covenants, the owner, shall include, where appropriate, all members of a family that normally and regularly reside together.
- B. When reference is made to "lot" or "lots", it is intended to refer to the lots set forth on plats filed with the Cape Girardeau County Recorder of Deeds.

**Duties of the Board of Directors**

- C. Hidden Valley Fishing Club shall operate through its Board of Directors, or some representative or committee duly authorized by the Board of Directors, subject to the restrictions set forth in paragraphs F and G.
- D. Hidden Valley Fishing Club through its Board of Directors shall, from time to time, establish other rules and regulations concerning the use of the parkland and roads. Such rules and regulations shall be posted on park bulletin boards or signs.
- E. All parties agree that U.S. Postal Service mailing with first class postage affixed to the member's address as shown in the corporation's current list of members may effectuate notice of all written correspondence including but not limited to; monthly statements, newsletters, notice of meetings and notice of covenant violations and shall be considered received five (5) days after it's deposit in the United States mail.

- F. Instructions on how to receive a copy of the restrictive covenants currently in effect shall be posted at all times on at least one bulletin board at Hidden Valley Fishing Club.

### **Adoption of Additional Rules and Regulations**

- G. Hidden Valley Fishing Club shall have the right, power and authority to adopt additional rules and regulations concerning the individual lots as well as the roads, lakes and parkland, not in conflict with these restrictive covenants. Upon adoption as hereinafter set forth, such rules and regulations shall be binding on all lot owners as if they had been set forth in these restrictive covenants. Rules and regulations may be proposed by a majority vote of the Board of Directors of Hidden Valley Fishing Club or upon a written request signed by the owners of not less than twenty-five percent (25%) of the lots. When such rules and regulations are proposed, the Secretary of the Board of Directors shall send a copy thereof to each lot owner, to the name and address as it appears on the records of Hidden Valley Fishing Club. At that time, the Secretary shall also designate a time for a meeting of all lot owners to consider the proposed rules and regulations, which shall be held no sooner than thirty (30) days after notice is mailed. At such meeting, those present constitute a quorum. If a lot is owned by more than one person, any one of the owners may cast the vote for that lot. Each rule or regulation that receives the affirmative vote of sixty-seven percent (67%) of the lots voting, including absentee ballots, at such meeting shall be deemed adopted and thereafter shall be binding on all lot owners.
- H. These restrictive covenants may be amended and modified. Such changes may be proposed by a majority vote of the Board of Directors of Hidden Valley Fishing Club or upon a written request signed by the owners of not less than twenty-five percent of the lots. When such a change is proposed, the secretary of the Board of Directors shall send a copy thereof to each lot owner, to the name and address as it appears on the records of Hidden Valley Fishing Club. At that time, the Secretary shall also designate a time for a meeting of all lot owners to consider the proposal, which shall be held no sooner than thirty (30) days after notice is mailed. At such meeting, those present shall constitute a quorum. Each proposal that receives the affirmative vote of sixty-seven percent (67%) of the lots voting, including absentee ballots, at such meeting shall be deemed adopted and thereafter shall be binding on all lot owners. Such change shall be filed for recording with the Recorder of Deeds.

### **Voting of Members**

- I. All voting by lot(s) owners shall be based upon one vote for each lot owned (except that adjoining lots owned by one lot owner who pays only one quarterly dues shall be counted as one lot) and Hidden Valley Fishing Club shall not be entitled to cast any votes based on unsold lots.

### **Enforcement of Covenants**

- J. Any Lot Owner who violates these restrictive covenants other than to pay regular assessments shall be fined in an amount not to exceed one hundred fifty dollars (\$150.00) for each violation, unless a different amount is stated in these restrictive covenants, until the lot owner complies with these

restrictive covenants. Each violation or each month of a continuing violation is a separate violation for which a fine may be imposed. Fines may be imposed for violations only after the Board has held a hearing, after notice to the lot owner. Following the hearing, the Board may issue an Order of Violation whether or not the lot owner attended the hearing before the Board.

K. The lot owner shall be responsible for the repair of damages, if any, sustained by the Hidden Valley Fishing Club that are caused by the willful or negligent acts of the lot owner, his family, guests, or invitees. The lot owners shall be jointly and separately responsible for all fines and damages caused by their guests, contractors, family members, or agents.

L. Invalidation of any one of the covenants or restrictions by judgment of any court shall in no way affect any of the other provisions, which shall remain in full force and effect.

The covenants herein set forth and the restrictions and conditions shall operate as covenants running with the land and shall be enforceable at the suit of any and every owner thereof or by the Grantor or the Covenant Board by a proper proceeding, either in equity or at law, and the Grantor or the Covenant Board shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or the enforcement or observance of the covenants and restrictions herein set forth, and the failure of the Grantor or the Covenant Board to enforce any of the restrictions herein set forth, at the time of violation, shall in no event be deemed to be a waiver or the right of the Covenant Board to do so as to any subsequent violation.

### **Combination of Adjoining Lots**

M. If, on October 1, 1974, any one-lot owner owned two adjoining lots, the lot owner shall be assessed annual dues as if the lot owner owned only one lot. After November 1, 1998, upon application and approval of the Board and payment of \$1,000.00 to Hidden Valley, any lot owner owning two adjoining lots may combine those lots. Lot owners with two combined lots will be assessed annual dues as if the lot owner owned only one lot. Any prepaid dues on these lots would be credited to the lot owners' account. However, after October 1, 1974, if upon application and approval of the Board, the ownership of the lots are divided due to a sale or gift of either of the lots, the owner (whether the original or subsequent owner) shall pay dues on the second lot at the rate assessed for each year from October 1, 1974, subject to a maximum of one thousand (\$1,000.00). In any event, the lot shall bear the burden of the dues herein subscribed. Thereafter, regular annual dues shall then be paid.

### **Dues and Assessments**

N. Hidden Valley Fishing Club shall have the right to assess the owners of each lot, annually, such sum as shall be deemed necessary for the upkeep and maintenance of the roads, park areas, lakes and other improvements and the management and protection of the property. The annual assessment for each lot beginning November 1, 2006 shall be payable in four equal quarterly installments of \$80.00 (eighty dollars) each. These quarterly installments are due and payable as follows: January 1, April 1, July 1, and October 1 of each year. The assessment shall be raised \$4.00 (four dollars) annually starting November 1, 2007.

Beginning on November 1, 2017 Hidden Valley Fishing Club shall include in the dues assessed each lot an additional charge of \$4.00 per month to cover the cost of refuse removal and the

following rules and regulations for the use of the dumpsters will be added to the Covenants of Hidden Valley Fishing Club.

- O. Workdays shall be held at least twice a year. One lot owner from each lot must participate in a workday, or receive permission from the Board of Directors to perform a work project on a date other than a scheduled workday. If a lot is not represented by a worker as described above during any given year an assessment will be assessed against that lot in November of that year and the assessment will become delinquent on the first day of December of that year. The workday assessment shall be twenty-five (\$25.00) for November of 2010 and shall increase by one dollar (\$1.00) per year thereafter until the assessment has reached fifty dollars (\$50.00). The assessment for workday shall remain at fifty dollars (\$50.00) from that time forward.
- P. All assessments are delinquent on the first day of the month following the due date. A monthly penalty shall also be assessed while assessments remain delinquent. For purposes of these restrictive covenants assessments shall be defined as all monies owed to Hidden Valley Fishing Club including, but not limited to, monthly penalties, fines, dues, and special fees. The Hidden Valley Fishing Club shall have lien against any lot for which assessments and penalties are due, which shall be legally enforceable.

### **Transfer of Property**

- Q. Upon the sale of a lot, the seller shall return all keys and pass cards for the entrance gates to the Board of Directors.
- Before the sale or changing of ownership of a lot, the current owner must provide the prospective owner with an Application for Approval of Purchase. The application and application fee must be submitted to the President for approval or denial. Approval or Denial must be determined and presented to the current owner or agent within seven business days of receipt. Approval of the application is contingent on a criminal background check, of all persons ages eighteen years and older that will be residing on, or using the lot or parklands. A denial can only be made due to criminal history and is limited to Class A felonies, Class B felonies, as well as any person listed on the National, State, or County Sex Offenders Registry.
- An appeal of a denial can be made to the Board Of Directors in writing no less than ten days before a regularly scheduled Board Of Directors meeting. The appeal will be heard in closed session by the Board at the next regularly scheduled meeting. The Board of Directors can overturn a denial by a unanimous vote of the Board Members who are present.
- Transfer of property will be dependent on an approved application.
- The application forms used and fees charged shall be approved by a majority vote of the Board of Directors of Hidden Valley Fishing Club.
- R. Any lot owner purchasing property must submit proof of ownership to the Board of Directors before any keys or pass cards for the entrance gates shall be issued or use of Hidden Valley Fishing Club's amenities shall be allowed. A copy of the recorded deed shall constitute proof of property transfer. The Board of Directors shall issue one pass card and one key to the entrance gates free of charge to new lot owners once proof of ownership has been received. A fee shall be charged for additional pass cards and keys

**ADDITIONAL RULES & REGULATIONS APPROVED BY CATEGORY ARE AS FOLLOWS:**

### **Lots Only**

- S. The only occupants of the lot shall be the lot owner and his or her family as spelled out in these restrictive covenants and no lot or building thereon or portion thereof may be rented or leased. If after notice and hearing this covenant is found to be violated by a lot owner the Board of Directors may levy a fine not to exceed one thousand dollars (\$1,000.00) per month against the lot, until the violation has been corrected.
- T. Only the “lot owner” or the “lot owner” along with the member(s) of his or her family which normally and regularly reside together shall own and reside and occupy the property. Lots may not be owned by two or more families in partnership, nor may two individuals own a lot unless they fall within the provisions of this paragraph.
- U. No lot may be re-subdivided, nor can more than one residential unit be located on a lot.
- V. Neither temporary nor permanent outdoor toilets shall be erected.
- W. No lot or any building thereon shall be maintained, operated or neglected in such a manner as to constitute a nuisance. For purposes of this section, a nuisance is defined as to include, but not limited to, the following activities: excess accumulation of debris on a lot, excessive plant growth (weeds and uncut grass on a lot). In discretion by Hidden Valley Fishing Club through its Board of Directors, the owner of said lot shall have a reasonable time, not to exceed sixty (60) days, after notification from Hidden Valley Fishing Club through its Board of Directors to remedy the nuisance. In the event the owner does not remedy the nuisance within a reasonable time after notification, not to exceed sixty (60) days, of said condition, then Hidden Valley Fishing Club through its Board of Directors may remedy the nuisance situation in a reasonable manner and may apply the cost of said remedy to the lot owner. For purposes of this section, all parties agree that U.S. Postal Service mailing at last known address may effectuate notification.
- X. Hidden Valley Fishing Club, its successors, assigns, and grantees shall have the right to lay sewer pipes, water pipes, gas lines, electric lines, and poles in easements through or across the lots and shall have at all times the right to ingress and egress for the purpose of repairing and maintaining same, as well as the right to cut and trim trees as required to maintain utility service.
- Y. The lots shall be used for residence and recreational purposes only, and the only home-based businesses allowed must meet the following criteria;
  - a) No employees may be employed by the lot owner’s home-based business other than members of the family who reside on the lot.
  - b) Any home-based business which has vendor and / or customer traffic shall be prohibited.
  - c) There shall be no use of equipment that creates a nuisance such as noise, vibration, or fumes that are detectable outside of the home.
  - d) No signs, displays, store fronts, or storage areas may be placed or located on the lot or surrounding parkland designating the existence of a business on the lot.

### **Construction on Lots**

- Z. After December 1, 2006 no camping trailers, mobile or modular houses shall be set up permanently on lots within Hidden Valley Fishing Club.
- AA. Hidden Valley Fishing Club through its Board of Directors shall approve the type, size and location of any utility building before placement on a lot.

- BB. No building shall be erected, placed or altered on any lot, tract or parcel, until the following documents have been submitted to Hidden Valley Fishing Club for approval.
- a) Construction plans and specifications as to material and workmanship
  - b) Plot plan as to topography and finished grade elevations showing the location of the structure on the lot.

All plans and specifications must also be in harmony with existing external design and structures. Approval shall be reasonably given in accordance with the restrictions as hereinafter provided. Hidden Valley Fishing Clubs approval or disapproval as required in these covenants shall be in writing. In the event Hidden Valley Fishing Club fails to act or disapprove within thirty (30) days after plans and specifications have been submitted to it, approval will not be required and the construction plans will be deemed to be in compliance. In no way may construction or modification work begin on any structure absent approval of Hidden Valley Fishing Club prior to the lapse of thirty (30) days after submission of appropriate construction plans and specifications.

All applications for building permits to Hidden Valley Fishing Club Board of Directors shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected or the size of building modification to occur, the location of building lines within the block, and other such information as may be necessary to provide for the enforcement of these restrictions. For purposes of this section a building shall be defined as any structure.

- CC. All cottages, cabins, houses, mobile homes, and manufactured housing shall have a minimum of five hundred (500) square feet of living floor space, exclusive of garages, carports, or porches.
- DD. No structure or building shall have roofs or sides of tarpaper or tin. All building materials shall be new, unless otherwise approved by Hidden Valley Fishing Club. The exterior of all structures and buildings shall be painted or stained.
- a) The exterior of all newly constructed buildings or fixtures, or modifications to existing buildings or fixtures shall be completed within six (6) months of commencement of construction or modification. For purposes of this section, a completed exterior shall be defined to include, but not limited to, finished; walls, siding, roof, foundation, chimney, windows, and doors which form an interior space which is weather proof and from an outward appearance would not seem to require additional construction or modification. In the event a lot owner fails to comply with this provision, he may seek a reasonable extension from Hidden Valley Fishing Club. In the event a lot owner fails to complete the exterior of their structure within this extension period, he/she may be subject to cost and expenses of remedial action taken by Hidden Valley Fishing Club to remove or complete all structures which are in non-compliance of the "Restrictive Covenants For Hidden Valley Fishing Club."

EE. Any excavated area shall be seeded, fertilized and strewed as soon as the excavation is completed.

FF. Only crushed limestone-type material or pavement shall be used on driveways.

GG. All residential buildings shall have septic tanks or wastewater treatment systems which conform to all applicable Federal, State, and Cape Girardeau County Health, Sanitation, and Environmental regulations and shall be designed so that no wastewater shall be permitted to escape from the lot where it originates. All septic tanks must be capped. No septic tank may be placed into operation until Hidden Valley Fishing Club has received documentation that the installation, design and operation of said system will comply with all applicable Federal, State, and Cape Girardeau County Health, Sanitation, and Environmental regulations.

## **Common Areas**

- HH. A lot owner shall be on the premises of the Hidden Valley Fishing Club whenever they have a guest or family members using Hidden Valley Fishing Club amenities. A lot owner shall be permitted to have one non-relative visiting family at a time to use parkland and each child of a lot owner, who also resides with the lot owner, shall be permitted to have one visiting guest at a time.
- II. Organizations shall not be given permission to use the park facilities.
- JJ. Travel trailers and pickup campers with holding tanks shall be emptied only into approved septic tanks.
- KK. No glass containers or pets shall be permitted within thirty (30) feet of the swimming lake.
- LL. Gas-operated motors shall not be permitted on the lake; electric trolling motors are permissible. The boat docks shall be used for loading and unloading only, and boats shall not be kept tied to the dock.
- MM. All boats and / or golf carts on the grounds of Hidden Valley Fishing Club common property must have lot number and / or name of lot owner affixed to their exterior surface.
- NN. Boats shall not be left in water when not in use.
- OO. Boats shall not be permitted on the lakes after dark.
- PP. Unattended fishing lines are prohibited. Trotline, jugs, throwlines, and the use of electrical devices are also prohibited.
- QQ. Swimming shall be permitted only in the designated swimming lake.
- RR. Lot Owners with adjoining common ground may clear brush, fallen timber and standing timber up to 6 inches in diameter, with the exception of flowering trees and ornamentals, on adjoining common ground. All brush and timber must be removed at time of clearing. All other improvements or changes to adjoining common ground must have written approval of the Hidden Valley Fishing Club through its Board of Directors.
- SS. The mechanical and record storage areas of the buildings owned by Hidden Valley Fishing Club, as well as the overflow areas of the lakes, are “off-limits” to unauthorized personnel.
- TT. The speed limit in Hidden Valley Fishing Club shall be 10 miles per hour.
- UU. Private signs including but not limited to Real Estate and Political Signs shall not be placed on Common Areas.
- VV. Hidden Valley Fishing Club through its Board of Directors shall, from time to time, establish other rules and regulations concerning the use of the lakes, and shall have the right to determine which lake or lakes are open to fishing or other use; the type or types of permissible bait; the number of fishing lines per person, but not to exceed two (2); the type, size, and number of fish permitted to be caught and kept; and any other rules and regulations deemed necessary for the good management of the lakes. Such rules and regulations shall be posted on park bulletin boards.

## **Common Areas and Lots**

- WW. The use of go-carts and dirt bikes is prohibited. The uses of motorized vehicles are restricted to designated roads or parking lots, except for maintenance purposes, with Board approval. All motorized vehicles must be occupied by a licensed driver while in use.
- XX. No additional dusk to dawn security lights shall be permitted on parkland or lots.

- YY. All existing septic tank and lateral lines on lots and parkland must stay in compliance with all applicable Federal, State, and Cape Girardeau County Health, Sanitation, and Environmental regulations.
- ZZ. The use of firearms, air rifles, BB guns, bows and arrows, and all other weapons is prohibited with the exception of the use of bows and arrows for target practice only within the area designated by the Board of Directors and except to dispose of nuisance wildlife in accordance with state and local laws and with express written consent from the Board of Directors.
- AAA. Fireworks may be set off between the hours of 6 P.M. and 10 P.M. on July 3<sup>rd</sup> and 4<sup>th</sup>, with Board appointed supervision and at a Board designated area. Fireworks are prohibited in all other areas, including lots. Children are required to have adult supervision.
- BBB. Each person is responsible for the removal of his own garbage and refuse.
- CCC. All fires are restricted to approved enclosures, and there shall be no open fires. Hidden Valley Fishing Club through its Board of Directors shall approve the enclosures prior to being placed in use.
- DDD. Lot owners shall ensure that the entrance gates are locked after entering or exiting Hidden Valley Fishing Club.
- EEE. No more than one cat or one dog per lot may be confined outdoors on the owner's lot. Pit Bulls and Pit Mixes are prohibited. All other animals of an outdoor variety are prohibited. Any pet off the lot owner's premises must be on a leash. All animals susceptible to rabies must have a current rabies vaccination. The owner must present proof of current vaccination upon request of the Board of Directors. If a pet becomes a nuisance due to excessive noise, or from a sanitation viewpoint, or is allowed to roam, the lot owner will be asked to remove the pet from Hidden Valley Fishing Club.

### **Undeveloped Common Ground lying North of Hidden Valley Fishing Club Units # 1 and # 2**

- FFF. The use of 4 wheel ATVs, golf carts and UTVs will be allowed on Board approved trails, provided the speed of the motorized vehicle does not exceed 10 miles per hour and a licensed driver occupies the vehicle and only during dates and times the trails will be determined to be open by the Board of Directors of Hidden Valley Fishing Club.
- GGG. Bow hunting may be allowed by the Board of Directors of Hidden Valley Fishing Club, in accordance with the laws set forth by the Missouri Department of Conservation for Archery hunting. The Board of Directors may allow only valid Lot Owners, who are in good standing, to participate and each hunter must meet the approval of the Board of Directors. Other rules and regulations concerning the dynamics of the hunting shall be set by the Board of Directors. Initial cost and upkeep of trails and other expenses may be offset with approved hunters being charged a fee not to exceed \$100.00 per hunting season.

### **Community Water System**

- HHH. Hidden Valley Fishing Club shall have the right to inspect and approve in advance all water lines which are tapped onto the water lines owned by Hidden Valley Fishing Club to insure that such taps will not jeopardize the efficient operation of the water system.

1. The Board of Directors may require such shut offs, piping, valves, filters, meters and other items as they deem appropriate as a condition precedent to an owner tapping on to the water system.
2. Each lot owner may install underground water lines on the owner's lot and, subject to any applicable government regulations, connect the same to the waterlines owned by Hidden Valley Fishing Club. Provided, however, that no connection may be made in violation of any state, federal or local law, ordinance, rule, regulation or order including but not limited to use of lead solder or cross contamination.
3. The connection to the water system by any lot owner shall be at the lot owner's sole expense.
4. No water line which is to be connected to the water system by any lot owner shall be covered until it has been inspected by the Board of Directors of Hidden Valley Fishing Club or it's agent and written approval has been given by the Board of Directors for its connection.
5. Hidden Valley Fishing Club shall have no obligation to provide or to continue to provide water to any lot owner who fails to comply with this section.
6. In all cases the lot owner shall be responsible for costs associated with the repair and maintenance of their lots' piping, valves, filters, shut offs, and other items up to and including the actual tap into the water lines owned by Hidden Valley Fishing Club. Nothing herein shall prevent Hidden Valley Fishing Club from installing meters to measure water usages by any owner or from establishing charges for excess water use due to leaks on the lot owners property caused from poor maintenance of lot owners' water lines.
7. Nothing herein shall require Hidden Valley Fishing Club to extend the water system pipelines beyond the present location of those pipelines. However, the Board of Directors may extend the pipelines on such terms and conditions as they deem appropriate.
8. Neither the Corporation, its members, directors, officers, agents, nor employees shall be liable to any person or entity in the event of any leak, overflow or damage related to the water system or for any interruption in the supply of water or for the inability to provide water hereunder due to governmental orders, restrictions, rules, regulations, ordinances or statutes.