

DECLARATION OF COVENANTS & RESTRICTIONS FOR WOODFORD LAKE ESTATES

This Declaration, adopted pursuant to the Judgment Order of the Bennington Superior Court in the matter of *In re: Woodford Lake Estates, Inc.*, and affecting those lands and premises known as Woodford Lake Estates, lying within the Town of Woodford, State of Vermont, and more particularly described on a plan marked "Proposed Plan of Woodford Lake Estates, Woodford, Vermont, United Development Corporation, owners and developers, scale 1" equals 100', Smith & Wallen, Engineers, Surveyors, 124 State Street, Springfield, Massachusetts" [hereinafter the Plan] and dated September 5, 1948, and recorded in the office of the Town Clerk of Woodford, Vermont, in Book of Plans No. 19, Page 469.

WHEREAS Woodford Lake Estates is common interest community, as that term is defined in §1-103(7) of Title 27 of the Vermont Statutes Annotated.

WHEREAS, the aforesaid lands and premises, including all of the lots and owners of lots, have been the subject of a legal action filed in the Bennington Superior Court, titled *In re: Woodford Lake Estates, Inc.*, Docket No. 344-10-02 Bnc concerning the management and operation of Woodford Lake Estates, the use, care and management of the common elements in Woodford Lake Estates, and the rights and duties of the owners of land within Woodford Lake Estates.

WHEREAS, the Bennington Superior Court has entered its Judgment Order determining the rights and duties of all of all owners of land in Woodford Lake Estates, including the future rights and responsibilities of all persons owning land in Woodford Lake Estates for the care, operation and management of Woodford Lake Estates and its common elements.

WHEREAS, said Judgment Order provides that Woodford Lake Estates shall be governed by an unit owners' association, which has been duly formed and registered with the Vermont Secretary of State, named Woodford Lake Association, Incorporated [hereinafter the Association].

WHEREAS, said Judgment Order provides that the Association, by and through its duly elected Officers and Board of Trustees, shall have the legal authority to operate and manage Woodford Lake Estates for the benefit of the owners of land within Woodford Lake Estates.

WHEREAS, said Judgment Order provides that the Association, by and through its duly elected Officers and Board of Trustees, shall have all the powers, rights and duties of a new unit owners' association provided in the Vermont Uniform Common Interest Ownership Act.

WHEREAS, the Association has adopted Bylaws governing the rights, duties and obligations of the Association and the owners of land within Woodford Lake Estates, including the right to assess and collect a fee for the care, management and operation of Woodford Lake Estates and its common elements.

NOW THEREFORE, this declaration constitutes covenants running with the land and are binding upon the owners of land within Woodford Lake Estates and Woodford Lake Association, Incorporated.

1. The unit owners association shall be Woodford Lake Association, Incorporated.
2. Woodford Lake Association, Incorporated is and shall remain a planned community, as that term is defined in 27A V.S.A. §1-103(23).
3. The maximum number of units to be created by Woodford Lake Association, Incorporated, including the boundaries for each said unit, and the location of the common elements are depicted on the plan marked "Proposed Plan of Woodford Lake Estates, Woodford, Vermont, United Development Corporation, owners and developers, scale 1" equals 100', Smith & Wallen, Engineers, Surveyors, 124 State Street, Springfield, Massachusetts" [hereinafter the Plan] and dated September 5, 1948, and recorded in the office of the Town Clerk of Woodford, Vermont, in Book of Plans No. 19, Page 469.
4. Woodford Lake Association, Incorporated shall have the right to:
 - (A) add real estate to a common interest community;
 - (B) create units, common elements or limited common elements within a common interest community;
 - (C) subdivide units or convert units into common elements; or
 - (D) withdraw real estate from a common interest community.
5. Allocation of fractional interests among lots
6. Allocation of costs among lot owners
7. Owners of adjoining lots may not re-configure the boundaries of their lots without first obtaining the consent of Woodford Lake Association, Incorporated and without first obtaining all municipal and State permits required for modifying property boundaries.

8. Pursuant to said Judgment Order, each lot is subject to the following rights and covenants, which run with the land and are binding upon the Association and each owner of a lot within Woodford Lake Estates:

a. Rights of ways in common with others for all the usual purposes of a way over all streets and ways shown on said Plan or upon any other subsequently recorded plan or plans which become a part of said development, and the right to use, in common with others, for community beach purposes the beach or beaches shown on said Plan or on such other or further plans.

b. Right to install and maintain telephone and electric light poles and wires, gas and water mains, or to license or to permit the same to be done, in, upon, or over the said street ways or beaches, and to conduct, install and maintain telephone or electric light wires and poles over, in or on said, lots from any pole located upon any street way or beach shown on said plan or plans.

c. Subject to the right granted to the State of Vermont to use, through the agency of its Department of Conservation and Development, or any other appropriate agency, "Big Pond", so-called, in the Town of Woodford (which pond is located northerly of end near the main public highway leading from Bennington to Searsburg) for all lawful purposes of (1) propagation of fish (2) stocking with fish (3) destruction of non-game fish.

d. Subject to the right for fishermen duly licensed by the state to walk, for the purpose of fishing only, around the shore of "Big Pond" within 15 feet of the water's edge; from a point on the shore of said Pond which is 50 yards northerly from the outlet southerly and easterly along the shore of said Pond to lands formerly owned by Alexander B. P. Drysdale (excepting however, that part of the shore line now or formerly owned by Haveanother Inn Club).

e. Subject to the following, additional restrictions:

I. Any buildings to be erected on said premises are to comply with valid State and municipal ordinances.

ii. All sewage and sanitary arrangements must comply with State and local Health Ordinances.

iii. No animals shall be kept or maintained on said premises except household pets.

iv. Said premises shall not be used for any commercial or manufacturing purposes of any kind.

v. Any building with a wood exterior must be stained or painted with at least two coats of paint or stain and no tar paper exterior finish shall be used.

vi. No old buildings or structures shall be placed or maintained on said premises without the approval in writing, of the Association, or its successors or assigns.

vii. There shall be erected on the said premises no more than one single family dwelling house, nor more than one other building for garage or storage purposes. Any building for garage shall conform generally in appearance and materials to the dwelling.

viii. There shall be no building, porch, or projection extending nearer than twenty (20) feet from the front line of any lot, or within ten (10) feet from the property line of an abutting property owner.

ix. There shall be no dwelling, house containing less than four hundred (400) square feet erected or constructed on any lot.

The covenants contained herein shall be for the benefit and protection of the Association, its successors and assigns.

9. Woodford Lake Association, Incorporated, shall have all of the rights, duties and obligations described in the Vermont Uniform Common Interest Ownership Act, Title 27A of the Vermont Statutes Annotated, including, but not limited to, the following:

a. Establish the policies, rules, regulations and procedures for the Association and Woodford Lake Estates.

b. Exercise general responsibility for the management and day-to-day operations of Woodford Lake Estates.

c. Establish an annual budget for the Association, and authorize all purchases and expenditures to do all things necessary to maintain and improve the condition of Woodford Lake Estates and to enforce carry out and enforce the terms and conditions of these Declarations, as amended, and to engage in such activities as the members deem necessary or appropriate.

d. Enact Rules and Regulations to carry out the purposes of these Declarations or to promote the interests of the Association or the common interests of its Members.

e. Grant and/or rescind easements, leases, licenses and concessions through, on or over the common lands, roadways and facilities with Woodford Lake Estates.

f. Assess and collect payments, fees or charges for the use, rental or operation of the common elements and for services or benefits the Association provides its members.

g. Impose reasonable charges for the preparation and recording of amendments to the Declarations, resale certificates and/or statements of unpaid assessments.

h. Provide indemnification for the Association's officers, trustees, employees, agents and executive board, and maintain liability insurance for the same.

I. Assign the Association's right to future income, including the right to receive common expense assessments, as the Association deems appropriate.

j. Exercise any other power conferred by these Declarations or the Associations Bylaws, or which is legally provided for similar entities or which is necessary and proper to govern and operate the Association and Woodford Lake Estates.

k. Require, by regulation, that disputes between the Association and its Members or between two or more Members regarding the Association must be submitted to non-binding alternative dispute resolution in the manner described in the regulation as a prerequisite to commencement of a judicial proceeding.

l. Take any action necessary to prevent any use of a lot within Woodford Lake Estates which violates these Declarations.

m. Regulate any behavior in or occupancy of a lot within Woodford Lake Estates which violates these Declarations or adversely affects any Association Member's use and enjoyment of said Member's lot or said Member's use and enjoyment of the common lands, roadways and facilities.

At a duly constituted meeting of Woodford Lake Association Incorporated, these Declarations were approved by the members of said Woodford Lake Association Incorporated, effective upon recording in the Woodford Land Records.

Dated at _____, _____ this ____ day of _____ 2005.

WOODFORD LAKE ASSOCIATION INCORPORATED

IN THE PRESENCE OF: BY: _____
Duly authorized agent

Witness

STATE OF VERMONT
BENNINGTON COUNTY, SS.

At _____, this ____ day of _____, 2005, _____
personally appeared before me and acknowledged that he/she is the duly authorized agent of Woodford
Lake Association Incorporated and that this instrument, by him/her sealed and subscribed is his/her free
act and deed and the free act and deed of Woodford Lake Association Incorporated.

Before me, _____
Notary Public

Commission Expires

LAW OFFICES OF
JACOBS, McCLINTOCK & SCANLON
BENNINGTON, VERMONT 05201