

EMERALD PARK SUBDIVISION
JOHNSON COUNTY, WYOMING

FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS
OF EMERALD PARK SUBDIVISION

THIS First Amendment to the Declaration of Covenants, Conditions and Restrictions of Emerald Park Subdivision is made on this date by S&I, LLC, as Developer, (hereinafter referred to as "Declarant").and shall provide as follows:

WITNESSETH:

WHEREAS, Declarant recorded Declaration of Covenants, Conditions and Restrictions for the Emerald Park Subdivision (the "Declaration") on August 1, 2005, in Book 86A59, Page 594-611 in the land records of the Johnson County Clerk and Ex-Officio Register of Deeds; and

WHEREAS, Declarant, pursuant to Article IX, Section 9.03 thereof, as the owner of more than 75% of the lots in the subdivision, has the right amend the Declaration by filing this instrument of record; and

WHEREAS, Declarant, by this instrument hereby amends the existing covenants for all phases of this development as set forth herein.

NOW, THEREFORE, the Declarant further declares the following First Amendment to the Declaration of Covenants, Conditions and Restrictions which shall be applicable to the Property described on Exhibit A, attached hereto and adopted herein by this reference:

STATE OF WYOMING } ss
COUNTY OF JOHNSON }

053789

This instrument was Filed for record
on 7-5-2006 at 8:40 M and was
duly recorded in book 86A-141 page
244-203 Fee \$ 131.00

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Register of Deed
By Brenda M. Cridy Deputy
HSST

Articles VII and VIII are hereby amended in their entirety, and shall henceforth read as follows:

ARTICLE VII
ARCHITECTURAL GUIDELINES AND LANDSCAPE DEVELOPMENT

- 7.1 Design Review Committee The Association shall have a Design Review Committee consisting of not less than three nor more than five persons. The initial Design Review Committee shall consist of the Developer. The Developer shall have the right to remain the sole member of the Design Review Committee for as long as the Developer desires, at its sole discretion, as may be consistent with this Declaration. At such time as the Developer notifies the Board that it no longer desires to be the sole member of the Design Review Committee as provided hereafter, then the following shall apply:
- 7.1.1 The Design Review Committee shall be composed of Members of the Association appointed and removed by the Board as it, in its sole discretion, deems necessary and appropriate to the circumstances. In the event of a vacancy on the Design Review Committee, the Board shall have full authority to designate a successor provided such successor is a Member of the Association.
- 7.1.2 The Board may request the Design Review Committee to prepare rules, guidelines, and/or procedures in addition to the Architectural Standards and Control Guidelines ("Architectural Guidelines") contained in this Declaration, regarding anything relevant to its functions, including, but not limited to, minimum standards and procedures for the submission of plans and specifications for approval, adoption and enforcement of rules for architectural violations or reasonable penalties for violation of this Section. Except as otherwise provided, any such rules or guidelines established by the Design Review Committee shall be subject to the approval of the Board. Following approval by the Board, any rules or guidelines adopted pursuant to this section shall be made available to the Members.
- 7.1.3 The majority of the Design Review Committee may designate an individual Member of the Design Review Committee to act as representative of the Design Review Committee.

- 7.1.4 All building plans, specifications, and Lot plans, including the location of the residence, garages, outbuildings, the general plan of landscaping, fencing, walls and windbreaks, and the grading plan shall be submitted to the Design Review Committee in a complete and orderly form. Such plans shall include a projected date of completion that shall not exceed one (1) year from the date that construction commences.
- 7.1.5 The Design Review Committee shall exercise reasonable judgment to see that all improvements, construction, landscaping and alterations conform to and harmonize with existing surroundings and structures.
- 7.1.6 A majority vote of the Design Review Committee is required for approval or disapproval of proposed improvements.
- 7.1.7 The Design Review Committee shall maintain written records of all applications submitted to it and of all actions taken by it. The Design Review Committee's approval or disapproval of any plans, specifications, etc. shall be in writing and delivered to the Owner.
- 7.2 Restrictions on Construction, Maintenance and Improvements. The following apply to construction, maintenance, and improvements of Lots and structures:
- 7.2.1 The Design Review Committee shall have the right to refuse approval of any plans, specifications or grading plans which are not compatible with the Architectural Guidelines. The Design Review Committee shall base its evaluation on aesthetics, the Association purposes, and other factors set forth in this Declaration and the Architectural Guidelines.
- 7.2.2 The Design Review Committee shall not be responsible or liable for building code compliance or structural and construction integrity.
- 7.2.3 All subsequent changes or additions that substantially affect the external appearance of any residence or building shall be subject to the prior approval of the Design Review Committee.
- 7.2.4 The Design Review Committee may require with each application such detail in plans and specifications and such other information as it deems proper. Until receipt by the Design Review Committee of all required plans, specification and other information, the Design Review Committee may postpone review of anything submitted for approval.
- 7.2.5 No permanent outdoor overhead wire or service drop for the distribution of electric energy, telephone service, or any other purposes nor any pole,

tower or other structure supporting said outdoor overhead wires shall be erected, placed, or maintained on a Lot. All Owners shall use underground service wires to connect their Lots and improvements to the underground electric or telephone utility facilities.

- 7.3 Appeal. At such time that the Developer has removed itself from the responsibilities of architectural control of the Subdivision; any Owner may appeal a decision of the Design Review Committee to the Board of Directors, by giving written notice of such appeal to the Board of Directors and to the Design Review Committee within thirty (30) days after such decision. The Board or any other Committee appointed by the Board for such purposes (the members of which do not need to be Members of the Association), shall hear the appeal and shall decide whether or not the decision or conditions imposed by the Design Review Committee shall be affirmed, reversed or modified. The decision of the Board shall be final and binding upon all parties.
- 7.4 Non-liability of Design Review Committee and Board Members. The Design Review Committee, its members, the Board and any member of the Board of Directors shall not be liable to the Association or to any Owner or person for any loss, damage or injury arising out of or in any way connected with the performance of the Design Review Committee's or Board's respective duties under this Declaration, unless the claim is based on an act or omission involving bad faith, intentional misconduct or a knowing violation of a law. The Design Review Committee or Board shall not be responsible for reviewing any plans and specifications for structural integrity nor shall the Board, by their action or inaction, shall be deemed to have considered any of these factors. Neither the Design Review Committee nor the Board shall be liable for any damages to persons or property arising out of these factors.
- 7.5 Variations. The Design Review Committee may authorize variations from compliance with any of the architectural provisions, guidelines, rules and regulations when circumstances so warrant. Variations must be evidenced in writing and must be signed by a majority of the Members of the Design Review Committee and approved by a majority of the Board. If a variance is granted, no violation of the covenants, conditions or restrictions contained in this Declaration or in the Association's architectural guidelines or rules and regulations shall be deemed to have occurred with respect to the matter for which the variance was granted. The granting of such a variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular property and particular provision in the particular instance covered by the variance.

- 7.6 Compliance and Enforcement. The Association may apply the remedies set forth herein to any violation of the Association's architectural guidelines, rules and regulations. The Board is hereby vested with the authority to impose fines and requirements in order to instill compliance with this Declaration.
- 7.7 Amendment. These Architectural Guidelines may be modified, changed and altered from time to time by the Developer, in the Developer's sole discretion, as long as the Developer is acting as the sole member of the Design Review Committee. At such time as the Developer is no longer acting as the Design Review Committee, then these Architectural Guidelines may be modified, changed or altered from time to time by the Board of Directors of the Homeowners Association. Within a reasonable time after adoption, any amendment, modification or revision of these Architectural Guidelines shall be recorded in the office of the County Clerk for Johnson County, Wyoming.
- 7.8 Address for DRC. The address of the Design Review Committee shall be the address established for giving notice to the Homeowners Association. Such address shall be the place for the submittal of plans and specifications and the place where the current Development Standards shall be kept.
- 7.9 Indemnification and Legal Defense of Board and Committee Members. So long as the members of the Board or any committee appointed by the Board act in good faith and within the scope of their authority while performing their duties set forth herein, the Association shall indemnify, hold harmless and pay for the legal defense costs, including attorney's fees, of such members from all claims asserted against them so long as said claims are reasonably related to the performance of their duties as members of the Board or a committee.
- 7.10 Non-Liability for Approval of Plans. Plans and specifications shall be approved by the Design Review Committee as to style, exterior design, appearance and location, and are not approved for engineering design or for compliance with zoning and building ordinances, and by approving such plans and specifications neither the Design Review Committee, the members thereof, the Association, and Member, the Board nor the Declarant assumes any liability or responsibility therefor, or for any defect in any structure constructed from such plans and specifications. Neither the Design Review Committee, any member thereof, the Association, the Board nor the Declarant shall be liable to any Owner or other Person for any damage, loss or prejudice suffered or claimed on account of (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (c) the development, or manner of development of any property within the Project, or (d) the execution and filing of an estoppel certificate pursuant to the Development Standards,

whether or not the facts therein are correct; provided, however, that such action, with the actual knowledge possessed by him, was taken in good faith. Approval of plans and specifications by the Design Review Committee is not, and shall not be deemed to be, a representation or warranty that said plans or specifications comply with applicable governmental ordinances or regulations including, but not limited to, zoning ordinances and building codes.

7.11 Additional Powers of the Board. The Board may promulgate as a part of the Development Standards such additional architectural and landscape standards, rules and regulations as it deems to be appropriate and as are not in conflict with this Declaration.

7.12. Application Procedure for Design Review Committee Approval.

7.12.1 The initial construction of any residence, outbuilding, fence or landscape shall not commence until the Owner has first submitted plans and specifications to, and has obtained the approval of, the Design Review Committee.

7.12.2. The Design Review Committee may require additional detail or information, the Design Review Committee may postpone the review of such application submitted for approval. Once all of the requested information has been submitted to the Design Review Committee, the Design Review Committee shall have forty-five (45) days in which to approve or disapprove such application. But in all cases the Design Review Committee shall act upon an application as soon as is reasonably practical, but not to exceed 45 days. If no action is taken within forty-five (45) days after all information has been provided to the Design Review Committee as requested, then it shall be deemed that the Design Review Committee has approved such application. If the application is disapproved, the Design Review Committee will advise the requesting party of the reasons for such disapproval. The Design Review Committee will maintain written records of all applications submitted to it and of all actions taken.

7.12.3 Plans and drawings submitted to the Design Review Committee will be returned to the Lot Owner. While the Design Review Committee may keep a copy of any plans or drawings submitted to it, the plans or drawings shall remain the property of the Lot Owner and the Design Review Committee will not use or give the plans or drawings to any third-party without the express written consent of the Lot Owner.

- 7.13 Review Criteria. The Design Review Committee requires the submission of complete plans and specifications including the location of the structure plotted horizontally and vertically, the location and size of driveways, the general plan of landscaping, fencing, walls, windbreaks, the grading plan, property lines and easements. The Design Review Committee evaluates all submissions on the merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the housing type and the individual site, and may be based upon the following:
- 7.13.1 Relation to the Natural Environment: Disruption of the natural topography, and changes in the rate or direction of storm water run-off, can also affect the natural environment.
 - 7.13.2 Conformance with Covenants: All applications are reviewed to confirm that the project is in conformance with the Covenants and these standards.
 - 7.13.3 Validity of Concept: Lot Owner's plans for improvements must be sound and appropriate to its surroundings.
 - 7.13.4 Design Compatibility: The proposed improvements should be compatible with the architectural characteristics of the applicant's house and the neighborhood setting. Compatibility is defined as similarity in Architectural style, quality of workmanship, similar use of materials, color and construction details.
 - 7.13.5 Location and Impact on Neighbors: The proposed alterations should relate favorably to the landscape, the existing structure and the neighborhood.
 - 7.13.6 Scale: The size (in three dimensions) of the proposed alteration should relate well to the adjacent structures and its surroundings. For example, a large addition to small house may be inappropriate.
 - 7.13.7 Materials: Continuity is established by use of the same or compatible materials that were used in the original house. The options may be limited somewhat by the design and materials of the original house. For instance, horizontal wood siding on the original house should be reflected in an addition or free-standing structure.
- 7.14 Code Compliance: Homeowners are responsible for all code compliance and obtaining necessary permits from all governing jurisdictions. Use of property and improvements to property must comply with applicable building codes and other governmental requirements and regulations. Approval by the Design Review Committee will not constitute assurance that improvements comply with

applicable government requirements or regulations, or that a permit or approvals are not also required from applicable governmental bodies.

- 7.15 Time Limit for Completion: The time limit for completion of construction of all buildings and landscaping shall not exceed one (1) year from the date a project is commenced.
- 7.16 Access Drives/Driveways. No dirt access driveways will be allowed once construction is completed on any lot. If gravel is used, the Lot Owner shall have the responsibility of keeping the asphalt subdivision street in front of their Lot clear of gravel on the roadway.
- 7.17 On-Site Parking. Each single-family residential dwelling shall provide an enclosed garage space, to shelter a minimum of one conventional automobile, and sufficient driveway space (within the boundaries of the lot) for the parking of at least two guest automobiles. Homeowners who possess trucks (larger than pickup trucks), unlicensed vehicles, buses, motor homes, camper vehicles (excepting camper shells mounted upon pickup trucks), trailers, boats, motorcycles, snowmobiles, or any other motorized vehicles other than a conventional automobile, must store or park such vehicles within an enclosed garage or outbuilding. As an exception to the above, one (1) recreational vehicle, motor home, trailer or camper may be parked outside on any Lot.
- 7.18 Utilities. Upon completion of the subdivision infrastructure by the Developer, utility services (electric, telephone and natural gas) will be stubbed to the property lines of each lot. The extension of services from these stub locations to the residence shall be the responsibility of each Owner. All utilities shall be installed and maintained underground. No overhead wires or wind turbines shall be permitted. Information regarding current tap and service fees, as well as connection procedure, may be obtained by contacting the respective utility companies.
- 7.19 Outdoor Storage. Outdoor areas housing trash containers, clotheslines, maintenance or service equipment such as lawnmowers, etc., or overflow storage shall be screened from all adjacent properties by a wall or fence.
- 7.20 Landscaping. The extent of residential landscaping may be determined by each Owner according to individual preferences and tastes, provided however, all initial landscaping must first be approved by the Design Review Committee, prior to its implementation or planting. Large specimen trees and dense clusters of plant material will be limited to those areas of each lot where they will not unreasonably constrict prominent views from neighboring properties, as determined by the Design Review Committee. Noxious and illegal plants, or

plant species which are potentially destructive to the natural environment, will not be permitted.

- 7.21 Irrigation. Irrigation water rights for the subdivision, including quantities, will be determined by the action of the State of Wyoming acting through its Board of Control on a Petition (Docket No. II-2005-3-4) which is now pending. If approved, a central irrigation distribution system which will pump water from the Taylor #2 Reservoir and deliver water in a 1" service to each lot line will be installed by Declarant. Maintenance thereof and operational cost will be assessed by the Home Owners Association to lot owners using water from the system based upon quantity of water used. Each lot owner desiring to use water from the system must first place an approved water meter in a meter pit on his or her lot at the lot line and install a sprinkler or drip distribution system within his or her lot. Not more than one-half acre of each lot may be so irrigated without approval of the Home Owners Association and flood irrigation is not permitted.
- 7.22 Prefabricated Buildings. No building that is constructed off-site and requires transportation to any lot, whole or in partial assembly, will be permitted; this includes mobile homes, stock modular buildings, or any other structure requiring transportation and set up in a partially completed state. However, sheds that are assembled off-site may be permitted upon approval by the Design Review Committee.
- 7.23 Foundations. All unfaced visible surfaces of concrete masonry or concrete foundations walls and piers and shall be painted to blend unobtrusively with adjacent materials.
- 7.24 Exterior Materials. Exterior wall materials will consist of native stone, simulated or cultured stone, brick, and wood materials including shingles, natural logs, beveled or tongue-in-groove board siding, board-on-board and board-on-batt.
- 7.24.1 Plywood or similar wood siding is prohibited. As an alternative to individual board natural wood sidings, the Design Review Committee may consider, on a case-by-case basis, the higher quality synthetic sidings, including, but not limited to, vinyl, aluminum, steel, and wood or fiber composition products.
- 7.25 Roofs. All structures will have pitched roofs with a minimum pitch of four feet in twelve and a maximum pitch of twelve in twelve (except for a barn style gambrel roof, which may have a fifteen in twelve pitch for the starter panel on each side). However, up to one-third of the horizontal roof area of any residence may be flat, in combination with pitched roofs across the remainder. All portions of flat roofs must be screened by perimeter parapet walls.

- 7.25.1 Allowable sloped roof forms include gable, hip, dutch-hip, gambrel, or shed (in contemporary styles, or in combination with other traditional roof forms). Geodesic domes, mansard roofs, and A-frames are prohibited.
- 7.25.2 Allowable roofing materials include fire retardant wood shakes or shingles, slate, flat concrete or clay tiles, non-reflective metal roofing with standing seams or battens, or premium dimensional asphaltic shingles with a 30+ year rating, or greater. The use of composition shingles of standard or medium thickness, any type of barrel or "S" tiles, asphalt roll roofing (except on limited flat roof elements), reflective metal roofing or roofing accessories is prohibited.
- 7.25.3 All exposed metal on the roof (except for approved pre-finished products), including, but not limited to, flashing, vent pipes, spark arresters, chimneys, ridge or eave vents, and skylight frames, shall be primed and painted to blend unobtrusively with adjacent materials.
- 7.25.4 All roof forms, both pitched and flat, are subject to the height limitations prescribed by these Guidelines.
- 7.26 Chimneys and Fireplaces. Zero-clearance chimneys must be concealed with a chimney enclosure. All fireplace chimneys must be equipped with a U.L. or I.C.B.O. approved spark arrester.
- 7.27 Building Projections. All projections from a residence or other structure including, but not limited to, chimney flues, vents, flashing, louvers, gutters, downspouts, utility boxes, mail boxes, porch railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials. All building projections must be contained within the building setbacks.
- 7.28 Garages. The roofing materials and exterior materials of garages shall substantially match those of the primary residence. The garage and doors shall be painted or stained to blend appropriately with the approved color scheme of the residence.
- 7.29 Changes to Approved Plans. Changes or additions to the approved plans that substantially alter the outside appearance of any building must be approved by the Design Review Committee as soon as is reasonably practical, before the alteration may be implemented.

- 7.30 Air Conditioners, Evaporative (Swamp) Coolers, Attic Ventilators: Exterior air conditioning equipment, including evaporative (swamp) coolers and attic ventilators, must receive Design Review Committee approval. Air conditioning equipment installed in an upper level window or on a roof is not acceptable.
- 7.31 Basketball Hoops, Backboards and Poles, and Other Recreational Equipment: Freestanding basketball hoops and backboards ~~in the front of the house~~ are acceptable.
- 7.32 Clothes Lines: Clothes lines must be hidden from the view of neighbors or from the street.
- 7.33 Decks, Patios, Covers, Hot Tubs, In-Ground Pools and Other Amenities: All decks, patios and covers require Design Review Committee approval.
- 7.33.1 Color: The wood deck can be stained to match the house field color, house trim color, or a clear or natural protective finish. Railings, seats, planters, vertical supports and coverings can be similarly finished.
- 7.33.2 Materials: Acceptable materials may include: cedar, redwood, pressure treated lumber, birch, simulated wood, aesthetically pleasing synthetic materials, stone, tile, brick and concrete. Unacceptable materials include plywood sheeting, corrugated plastic or metal, concrete blocks, rough poles/logs or slab wood.
- 7.33.3 Design Compatibility: The proposed improvement shall be compatible with the architectural characteristics of the applicant's house. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of material, color and construction details.
- 7.34 Dog Houses, Dog Runs: Dog runs and houses should be constructed of new materials, be well maintained, and should be situated so that they are substantially screened from view and minimize the animal noise. Dog runs and houses must be located in the rear yard.
- 7.35 Flagpoles: Flagpoles that rise above the peak of any building are prohibited.
- 7.36 Gates: Gates shall be constructed to match approved fencing.

7.37 Exterior Colors: House, garage and outbuilding color schemes must be approved by the Design Review Committee prior to their application. Touch-up painting does not require Design Review Committee approval. It is the Design Review Committee's desire to approve a selection of colors which will enhance property values and, at the same time, compliment adjacent homes.

7.37.1 Color: Traditional white, muted pastels, beige, earth-tones and greys are acceptable field (wall) colors. However, brighter accent colors which are used with restraint may be permitted.

7.38 Height Restriction of Structures: It is the intent of the Design Review Committee to preserve Lot Owners' views of the Big Horn Mountains. No structure constructed on Lots 3, 4, 5, 7, 8, 10, 11, 72, 73, 74 and 75 shall exceed 22 feet in height above grade. No structure on any other Lot shall exceed 32 feet in height above grade.

7.39 Outbuildings: All outbuildings require Design Review Committee approval.

7.39.1 Size: Within the discretion of the owner, and the approval of the Design Review Committee.

7.39.2 Color: The field and trim must match the field and trim of the house.

7.39.3 Materials: Exterior components (the sides and the roof) shall be constructed of material to match those used for the construction of the house.

7.39.4 Permanence: The foundation should be either slab or concrete reinforced piers. If the shed becomes unsightly, it will be in violation of the covenants.

7.40 Setbacks. Required minimum building setbacks from property lines:

(a) Front: 30 feet. This minimum setback is applicable to all lots.

(b) Side: 15 feet.

(c) Rear: 40 feet or as shown on the plat.

For residential designs which incorporate a side entry garage, the Design Review Committee may reduce the requisite front setback by up to 5 feet when measured to the side wall (of the garage) which faces the street. Exceptions may also be made for corner lots with frontage along two road rights-of-way, or lots of irregular shape.

7.41 Grading, Drainage and Subsoil Conditions. Site grading must be accomplished with minimum disruption to a lot, without altering natural discharge points of surface drainage from a lot, and without creating conditions that could precipitate unnecessary soil erosion, slippage, or subsidence.

7.41.1 Surface drainage upon and across any lot must be carefully considered. Existing points of entry and exit to and from a lot by historic surface drainage must be respected. Any improvement which creates an obstruction to surface flows, which results in a back-up or concentration of storm waters onto a neighboring lot or tract, is strictly prohibited. Ground floor levels should be established at a vertical elevation such that a final placement of backfill, walks, driveways and porches will produce a positive drainage away from the structure in all directions.

7.41.2 Subsoil conditions and groundwater levels vary dramatically throughout. The consultation of a professional soils engineer and or the Lake DeSmet Conservation District, for the assessment of foundation design and the depth to groundwater, is advised for all sites.

7.42 Utilities.

7.42.1 SEWAGE DISPOSAL. No provision is made in EMERALD PARK SUBDIVISION for PUBLIC or CENTRAL sewage disposal systems. When public sewer is available within 100 feet of the exterior of the Subdivision, each Lot/dwelling must and shall be required to attach to sewer at the owner's expense. No individual sewage disposal system shall be permitted on any Lot in the Subdivision except by approval of the Development Committee and unless the system is located, designed, constructed and equipped in accordance with the requirement of State Law, appropriate State Agencies and Regulations promulgated thereby. Approval in the form of a Permit to Construct shall be obtained from the proper agencies prior to actual construction of any system. The ability to site conventional septic systems in certain locations on individual Lots may not be allowable due to sit conditions. In addition to the required percolation tests, tests pits or borings must be used to confirm that the required minimum separation exists between proposed leach conditions prevent the use of conventional septic systems, the use of alternative on-site sewage systems must comply with existing county and state

requirements and be designed by a Wyoming licensed professional engineer.

As per Wyoming water quality rules and regulations Chapter 11, Part d, Section 35, septic tanks and leach fields must maintain a minimum setback distance of 50 feet from the edge of all seasonal and intermittent streams and surface water bodies (including irrigation ditches). Drain lines must be installed perpendicular to the direction of ground water flow to enhance leachate dilution. In the area of the Subdivision, regional ground water flow can be generally described as North-Northeasterly.

7.42.2 DOMESTIC WATER No provision is made in the EMERALD PARK SUBDIVISION for PUBLIC or CENTRAL domestic water source. No individual water supply system shall be permitted on any Lot in the Subdivision unless the system is located, constructed, and equipped in accordance with the requirements of State law, appropriate state agencies, and regulations promulgated by; provided, however, that no well may be dug, drilled, or installed upon any Lot unless it meets all requirements of the State of Wyoming for well drilling and installation. All wells must be registered with the State Engineers Office upon completion.

- 7.43 Antennas and Satellite Dishes. Antennas and traditional large diameter (4 feet and larger) satellite dishes are not allowed. Newer 18-inch diameter "direct" television dishes are acceptable. Owners desiring a larger dish or supplemental receiving device must first obtain approval from the Design Review Committee and the dish or equipment must be sufficiently concealed or screened so as to not be visible from any neighboring property, tract, or right-of-way. Any on-site antennas required for the purpose of radio transmission related to fire protection or police/security matters will be allowed, but the location and configuration thereof shall be subject to Design and Review Committee approval.
- 7.44 Lighting. Additional site lighting is permitted within the lot's boundary, provided such lighting does not result in excessive glare toward the street or neighboring properties.
- 7.45 Lot Restrictions. Except for compounds, resulting from the combined development of two or more lots, no more than one residence may be constructed on any lot. Such "compounds" are subject to approval by the Design Review Committee.
- 7.46 Modular or Trailer Homes. All homes will be "stick built" on site. No Modular or trailer type homes are permitted.

- 7.47 Fencing of Lots. All fencing must be of new construction with new materials and be approved by the Design Review Committee before installation. Fences must be maintained in good and proper condition. Unsightly fence will not be allowed. Maintenance of the fences around and on each Lot is the sole responsibility of each owner.

ARTICLE VII
PROPERTY USE STANDARDS

- 8.1 Restrictions. All Lots and Living Units shall be held, used and enjoyed subject to the following restrictions and shall be subject to additional rules and regulations as adopted from time to time by the Board of Directors. These restrictions are general in nature and the Board shall have the power to adopt and enforce more specific rules and regulations as the Board deems to be reasonable and necessary to carry out the intent of this Declaration (herein "Rules and Regulations")
- 8.2 Maintenance: Reimbursement Assessment. No Lot or structures shall be permitted to fall into disrepair. Each Lot shall be kept and maintained in a clean, safe, and attractive condition and in compliance with all rules and regulations and architectural guidelines.
- 8.3 Residential Use. Each Lot may be used only for residential purposes, except that a Lot Owner may conduct "Home Business" activities provided that such commercial activities shall:
- 8.3.1 Comply with all governmental rules and regulations.
 - 8.3.2 Be conducted completely within the enclosed structure.
 - 8.3.3 Not exceed 25% of the Living Unit.
 - 8.3.4 Not generate traffic volume which exceeds that of normal residential use on subdivision streets.
 - 8.3.5 Not include signs of any kind that advertise, disclose or give notice of any such business.
 - 8.3.6 Shall not include electrical service capacities that exceed that of normal residential capacities.

- 8.3.7 Not include any process or procedure that produces affluent, smoke, tailings, refuse, or any other by-product.
- 8.3.8 Not require materials, equipment, or products related to the commercial activity to be stored on any lot except within an enclosed structure approved by the Design Review Committee.
- 8.3.9 No business or commercial building shall be erected on any Lot.
- 8.4 Violation of Law or Insurance. No Owner or member shall permit anything to be done or kept in his Lot or in or upon any Roadways which will result in the cancellation of insurance thereon or which would be in violation of any law.
- 8.5 Domesticated Pets: Domesticated pets are allowed. Such pets are to be confined to the Lot Owner's property unless on a leash or otherwise controlled. Other than an occasional litter of offspring, no more than three (3) dogs and three (3) cats shall be kept on any Lot, and no kennels or other animal commercial enterprise shall be permitted. Dogs and cats shall have proof of proper immunization and registration tags.
- 8.6 Livestock: Livestock as defined herein may be owned by the Lot Owner if the Lot Owner installs fencing around the perimeter of the Owner's Lot, according to the fencing standard set forth herein. Livestock are to be confined to the Lot Owner's property. As used herein, "Livestock" is defined to include only horses, milk cows, meat steers, sheep, llamas, goats and chickens. No other livestock animals are allowed, including, but not limited to: pigs, peacocks, domestic ducks and geese. 4-H or similar temporary projects are allowed. All livestock must be provided appropriate food, water, shelter and a sanitary and clean environment. No Owner shall allow the Lot to be overgrazed. Whether or not a Lot Owner's property is overgrazed shall be in the sole and absolute discretion and determination of the Board of Directors. If a Lot Owner allows his/her Lot to become overgrazed, then the Board of Directors may require the Lot Owner to remove the animals, at Lot Owner's expense, until such time as the animals may be reasonably returned as determined by the Board of Directors. No Lot Owner may own or possess more than three (3) horses, milk cows, meat steers, sheep, llamas or goats, or any combination thereof. No outdoor riding or roping arena shall be allowed on any Lot.
- 8.7 Nuisances. No Owner or Member shall permit or suffer anything to be done or kept about or within his Lot, or on or about the Property, which will obstruct or interfere with the rights of other Owners, Members, Occupants or other authorized Persons to the use and enjoyment of the Roadways, or annoy them by unreasonable noises or otherwise, nor commit or permit any nuisance or commit

or suffer any illegal act to be committed therein. Lot owners who allow their animals to roam free off of their Lot or their dogs to bark excessively shall be in violation of this provision and subject to fines imposed by the Board. Each Owner or Member shall comply with the Association Rules and the requirements of all health authorities and other governmental authorities having jurisdiction over the property.

- 8.8 Garbage. No Lot shall be used or maintained as a dumping or collecting ground for rubbish. All rubbish, trash and garbage shall be regularly removed from each Lot and shall not be allowed to accumulate thereon. Each Lot Owner shall be responsible for arranging for private pick-up and removal of garbage at least once every two weeks and for paying all costs associated therewith. All refuse containers, storage areas, machinery, and equipment shall be maintained in a clean and sanitary manner and secured so trash containers or garbage may not be blown or scattered in any manner.
- 8.9 Safe Condition. Without limiting any other provision in this Section, each Owner shall maintain and keep his Lot at all times in a safe, sound and sanitary condition and repair and shall correct any condition or refrain from any activity which might interfere with the reasonable enjoyment by other Owners, Members or their Persons of their respective Lots or the Roadways.
- 8.10 Rental of Lots. An Owner who leases his Lot to any Person shall be responsible for assuring compliance by his lessee with all of the provisions of this Declaration, the Articles, Bylaws, Association Rules or Development Standards, all as amended and supplemented from time to time, and shall be jointly and severally responsible for any violations by his lessee thereof.

FURTHERMORE, upon recording of this First Amendment, the Property described on Exhibit "A" shall be subject to the amendment hereinabove made. Those provisions of the original Declaration not otherwise amended herein shall retain their full force and binding effect.

CORRECTED

EXHIBIT "A"

Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44,
45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58,
59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72,
73, 74, 75, 76, 77, 78, and 79 of the Emerald Park
Subdivision, Johnson County, Wyoming.