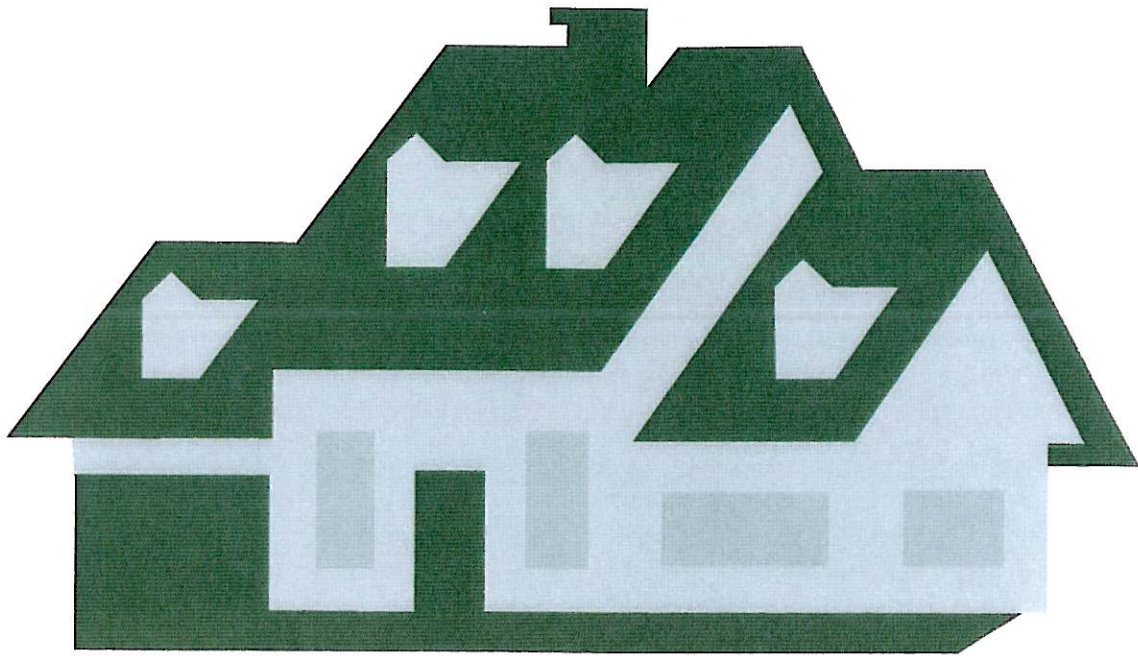




**OLD
KINDERHOOK**



**ARCHITECTURAL
GUIDELINES, RULES AND
RESTRICTIONS
FOR
OLD KINDERHOOK**

Dated May 27, 1998
Revised July 2006

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Architectural Guidelines Rules and Restrictions For Old Kinderhook

I. PREFACE

These guidelines are provided as a straightforward guide to assist builders, architects, and property owners in understanding the comprehensive level of planning, design and implementation for buildings and improvements that is required to fulfill the Old Kinderhook vision.

Old Kinderhook is intended to be a complete community of streetscapes; houses, amenities and landscaping that are based upon timeless design principles. While each home and lot will stand on its own design merit, it is the desire that each individual home or improvement contributes to the overall character and quality of the neighborhood. This close collaboration between timeless community values and individual architectural contributions, along with the harmonious natural setting of Old Kinderhook, can provide compatibility, long term quality and appreciation of value for the overall community and all those involved.

An Architectural Review Committee has been established to review all improvements to any lot or structure within the Old Kinderhook Communities. The diligent monitoring of improvements within the community assures the property owner that the integrity of the development will not be compromised. The unique features of the community require careful preservation so as not to disturb the delicate balance of nature. The Architectural Review Committee is committed to this effort. Support from the property owners and their contractor is necessary to allow Old Kinderhook to remain the premiere residential resort community in the Midwest.

It is not the intent of the ARC to make arbitrary and subjective value judgments, or to discourage creative design, but to ensure that all designs meet the Old Kinderhook Design Guideline standards and to ensure compatibility with the overall concept, character and design/construction quality of the community. The primary goal of the ARC is to review the submitted applications in order to determine if the proposed construction or modifications conform to the Old Kinderhook Design Guidelines.

To encourage the architectural harmony of Old Kinderhook, the Developer and all property owners must follow the guidelines and principles outlined in the Old Kinderhook Design Guidelines.

Compliance with all federal, state, county and local codes, ordinances and regulations is required. To that end, no structure or improvement shall be commenced, erected, or altered until approvals described in this document have been obtained. The Developer reserves the right to exercise design review over all construction in Old Kinderhook.

Should construction or modifications occur without the review and approval of the ARC, the Developer and/or the ARC has the right to obtain injunctive relief, which requires the property owner to stop, remove and/or alter any improvements in a manner that complies with the standards established by the Developer. Approval by the ARC does not relieve a property owner of their obligation to obtain any governmental approvals. If such approvals are not obtained by the property owner; the Developer, the ARC and/or the applicable government agency may take whatever actions are necessary against the property owner to enforce compliance with the Old Kinderhook Design Guidelines or other regulations established by the Developer.

The Architectural Review Committee's administrator is available for consultation or assistance with the review process and requirements during normal business hours by appointment. The office of the Architectural Review Committee is located at 20 Eagle Ridge, Camdenton, MO. 65065. (573) 317-3591

II. BUILDING INFORMATION

A. Overview:

No construction work or site preparation shall commence without ARC approval. Construction of a residential dwelling must be commenced within thirty-six (36) months from the date the deed transferring title to property owner (other than developer) is recorded with construction being completed as set forth herein after in Article III. A. 1. The Old Kinderhook Architectural Review Committee (ARC) provides this booklet for information and review for any property owner, or his or her agent, when considering submitting plans for all exterior improvements or changes, including; but not limited to, houses, garages, decks, patios, pools, landscaping, painting. The ARC will consider the harmony of the design with surrounding structures, the quality of workmanship and materials, as well as purely aesthetic considerations, which in the sole discretion and opinion of the ARC will affect the overall spirit and intent of Old Kinderhook. It is a commitment of the ARC that all submitted plans will be reviewed in a timely manner. When submitting plans, all fees and applications must accompany them to be considered for review. The review process for home construction submittals will most likely take between two and six weeks from the time plans are submitted until final ARC approval is granted and permits are issued.

B. Selection of a Contractor:

The ARC does not provide a "preferred builders" list. Choosing the right contractor for your residence is a major decision. Contractors must be deemed capable of producing the quality of workmanship set forth in the Old Kinderhook Design Guidelines. You should be personally comfortable with your contractor and feel he or she is competent. Contact the references the contractor has provided as well as others for whom your contractor has performed work. Look closely at the workmanship of the homes your contractor has built. Ask the homeowners if the contractor has been available after the home was completed should minor repairs be needed. Do not hesitate in seeking other references and comments other than those provided.

The Lake Ozark Builders Association can provide a list of contractors who are members of the Association. Check the local lending institutions for credit references. Request that the firm or individual contractor provide proof of workman's compensation, personal liability, and property insurance. Most owners' insurance policies will not cover injuries to workers on your property during the course of construction or during any improvements.

The builder you select must complete and submit a contractor application form with the ARC. This form will provide the ARC with information regarding the qualifications and history of the builder and subcontractors involved with your home construction project. These applications and any pertinent information pertaining to any contractor will be kept by the ARC for future reference. You may inquire with the ARC of a builder's construction history within the Old Kinderhook development.

Any disputes that may arise between the owner and the contractor must be resolved privately. The ARC **will not** be involved as an arbitrator or for support of either party unless the dispute involves a direct violation to the approved plans or the rules and regulations for building within the development.

C. Design and Specifications:

1. General Information:

Every plan submitted should include a minimum of **one certified survey depicting the setback requirements set forth in Subsection V of Section C, three complete sets of floor plans and specifications, and three copies of the site plan.** Two sets of approved plans will be returned to the applicant; notations as to revisions and/or requirements, or exceptions for approval will be so noted on the returned plans. One set of plans will be retained for the ARC files. The owner will retain the second set for their records and the property owner, when necessary, should forward the third set of plans to the appropriate regulatory agency. The requirements of the ARC are minimal requirements; all plans must also meet the requirements of the appropriate municipal authority.

Once the ARC approves plans, no modification or alteration can be made without written ARC approval.

The Applicant is responsible for the validity and accuracy of the plans submitted for review by the ARC. The ARC is not responsible for errors or omissions in the plans and specifications reviewed or approved.

There are no variances granted at the building site for any phase of construction. The approved plans become a valid binding contract between the applicant and this office; therefore, it is necessary all proposed changes be submitted in writing and approved by the ARC.

The plans should reflect all proposed improvements using a noted scale. Construction details must be provided for review. Type of siding, roofing materials, color scheme, building materials, etc., must all be provided at the time plans are submitted. Color swatches of base and trim color must be submitted with plans. The ARC may request a bonafide sample of any of the proposed building materials for the improvements. Should a sample be requested, the samples will become a part of the ARC file and may not be returned.

Exposed vertical concrete is to be poured with a raked or chopped finish. Other types of exposed finishes must be submitted for ARC review and approval.

2. Floor Plans:

Floor plans must be submitted and be scaled to a minimum of 1/8" = 1 foot scale (Preferably 1/4" = 1 foot scale), must be accurate, must reflect the dimensions of the site plan and depict the position of all water-using appliances and appurtenances. As a part of the floor plan package, drawings showing front, rear, and side views of the structure are to be included. Drawings shall accurately depict scaled dimensions, slopes, exterior materials, positioning of windows and shutters, chimneys, and facades. A licensed architect should seal all plans submitted for new construction.

3. Site Plan:

Three copies of the site plan are to be submitted for review. These site plans should be scaled to a noted engineer's scale. All improvements must be incorporated into the site plan including, but not limited to:

- * Dimensions of the lot, as referenced by accompanying certified survey;
- * Topography with contour elevations drawn accurately in two-foot increments;
- * Building envelope noted, applicable setbacks noted;
- * Structure, including garages, decks, patios, and courtyards depicted by a heavy, consistent line;
- * Roof line or overhang depicted by a broken line;
- * Square footage, entry, lower and upper levels; and total. (Square footage requirements are exclusive of decks, carports, garages, gazebos, porches, etc.);
- * Location of water supply lines;
- * Locations of all trees over eight inches in diameter must be depicted as located by the registered land surveyor. Trees to be removed must be noted on site plan;

- * Driveway location, dimensions, culvert location and size, existing and finish grade elevations, and type of material;
- * Heating and air-conditioning components located on the exterior of the house;
- * Floor elevations for each floor;
- * Propane tank location and screening where applicable;
- * Swimming pools, size and location, cross-section and elevations, and pump house (if included). Swimming pools must meet safety requirements (i.e. ICC Codes or Fire Protection District) with fenced area or automated pool cover. Specifications of fence **must** be depicted;
- * Proposed landscaping, retaining walls or terrace walls, plantings, boulders, etc. Site plans, which, in the opinion of ARC, do not provide sufficient detail, will not be approved. Landscape plans must be submitted for all homes;
- * Playgrounds, pet confinement areas, and fences, where applicable;
- * All retaining walls, elevations, and cross-sections must be depicted and shall not extend into side setbacks;
- * Surface drainage paths, means of diverting, or channeling.

All exterior modifications must be submitted for ARC review.

5. Setbacks:

Due to the substantial variations in terrain, slope, lot size, and lot shape, the lots are planned with a forest preservation setback. What remains inside of the forest preservation setback creates the building envelope. The owner and designer will have significant leeway to design within this area because of the variable site conditions.

All construction must be contained within the building envelope. Unless otherwise specifically noted by the Declarant at the time of purchase, the setbacks are determined using the following lateral distances from the surveyed property lines:

- Front:** 25 feet from any lot line coincident with road right-of-way.
- Rear:** 25 feet from rear lot line **except** those bordering the golf course. Golf course lots will have a rear setback of **30 feet**.
- Side:** 15 feet from lot line.

For setback requirements for **UTILITIES**, refer to Article X of this document.

NOTE: No retaining walls will be allowed to extend into the setbacks of the property.

6. Square Footage

Minimum square footage requirements are based on average lot sizes for each plat or subdivision. These minimum square footage requirements are as follows:

Plat 1	2,400 Square Feet	Plat 11	2,750 Square Feet
Plat 2	2,750 Square Feet	Plat 12	2,750 Square Feet
Plat 3	1,750 Square Feet	Plat 13	1,750 Square Feet
Plat 4	2,000 Square Feet	Plat 14	To Be Determined
Plat 5	1,200 Square Feet	Plat 15	To Be Determined
Plat 6	900 Square Feet	Plat 16	To Be Determined
Plat 7	900 Square Feet	Plat 17	To Be Determined
Plat 8	2,000 Square Feet	Plat 18	To Be Determined
Plat 9	N/A	Plat 19	To Be Determined
Plat 10	1,750 Square Feet	Plat 20	To Be Determined

For two story residences or greater, a minimum square footage of not less than two-thirds of the above requirements must be contained on the ground (entry) level.

7. Surveys

A certified property survey from a professional land surveyor, licensed in Missouri, must be submitted with the application. The ARC may require that the certified property survey contain a topographic drawing of the property. The contour elevations must be drawn accurately and to a noted scale, in no more than five-foot increments.

The survey must include existing roads, all trees (including species) over eight inches (8") in diameter, utility easements, property lines with dimensions and bearings, lot and plat number, lot classification, orientation, date, owner of record, and any other features identifying the legal limits of the lot. Should any encroachments be included, said encroachments are to be identified and dimensioned as such on the survey.

After the survey has been completed, the property pins are to remain intact. It is unlawful to remove any property pins set by a licensed surveyor to delineate a property boundary. Pin location is to be marked to facilitate the necessary inspections. In order to clearly define the areas of activity, the property limits must be string-lined.

A survey is required for all improvements unless property pins are in place and can be validated. Should the proposed improvements be within the building envelope and no setback restriction is in jeopardy, the ARC may waive the required survey.

7. Elevations:

Determining grade elevations for proposed home construction is mandatory. Profile drawings of the structure must incorporate the contour elevations of the lot. These elevations must be numerically noted as well as drawn on the elevations of the structure. Existing elevations are to be noted by means of a broken line; finish grade elevations noted by a heavy, consistent line.

The topography of the property, as it relates to the structure, must be accurately detailed. Elevations are to be provided if any structure or improvement is to be above grade, such as decks, landings, terrace walls, retaining walls, etc. Elevation of the floor of the lowest living area and the elevation of the original and finished grade at each corner of the structure must be included.

D. Site Preparation:

Old Kinderhook is dedicated to the protection and preservation of the natural landscape and topography within the community. One of the most important ways the natural landscape is maintained is the forest preservation setback. The architectural character of the house design should relate strongly to the existing site grades rather than to "force" the melding of the two. Site grading shall adhere to existing drainage patterns of the area. Alteration of the existing grade is not allowed prior to permit issuance. All property lot lines are to be string-lined after the licensed surveyor has established the property pins. Failure to do so will result in an inspection not being approved.

The preservation of trees should be emphasized when designing and laying out the home. It is requested that all flowering trees be allowed to remain wherever possible. To protect trees, it is suggested a "drip line" be created, which consists of a fence or other identifying barrier erected around the tree. This "line" should follow the outermost branches of the tree as much as possible.

E. Fees:

1. Permit Fee:

A permit fee must be paid at the time plans are submitted. The permit fees are necessary to defray the administrative costs for operation of the ARC. Permit fees are not refundable. Checks should be made payable to: Old Kinderhook ARC Permit Fund.

This permit fee includes on-site inspections during the construction process; a pre-site inspection, a footing inspection and a final inspection. Should re-inspections be required, a twenty-five dollar fee will be deducted from your damage/performance deposit.

The current permit fees are:

\$850.00. - Non Golf Course

\$975.00 - Golf Course

All fees are subject to change without notice.

2. Damage/Performance Deposit:

A \$3,000.00 damage/performance deposit must be posted for all new homes within the Old Kinderhook Communities at the time plans are submitted for review. Make check payable to: Old Kinderhook Damage Deposit Fund.

This shall be deposited in an interest bearing account, with all interest from the funds in the account being applied to the operations account of the ARC. Should there be damage from construction, to property other than that which is being built on, **including, but not limited to Old Kinderhook roads and the property of other property owners**, the ARC will determine repair costs and the refund will be adjusted accordingly. A copy of the estimate to correct the situation will be made available to the applicant upon request. **The damage/performance deposit will be refundable to the property owner of record providing that all construction is completed in accordance with the terms and conditions of these guidelines and instructions.**

In the event the Damage/Performance Deposit is not sufficient to cover damages, the property owner will be assessed the additional amount to cover the damage as a special assessment, which may be enforceable as assessments are enforceable in the Restrictive Covenants covering the property in question which include, but shall not be limited to, the filing of a lien and a lawsuit to enforce the lien, which shall also include the recovery of costs and attorney fees.

3. Water & Sewer Tap Fees:

A \$2,000.00 water and sewer connection fee must be posted at the time of application. This connection fee covers the expense of the required water meter, all fittings necessary to make connections to the main water and sewer lines and inspection of the water and sewer lines from the residence to the main lines. This fee also assists in funding reserves for water and sewer infrastructure upgrades and repairs. All lines connecting to the Old Kinderhook water and sewer main lines must be inspected prior to backfilling over the lines. Owners or contractors must contact Lake Ozark Water & Sewer to make arrangements for these inspections and for connection to the water lines.

F. Stop Work Orders:

The ARC will issue a Stop Work Order for violations of the following articles:

1. Dump trucks and other vehicles transporting sand, gravel, top soil, fill, and any other material must be covered at all times.
2. All lots approved for construction must be maintained in a professional workmanlike manner, with all debris and trash confined to a trash receptacle of suitable size. An excessive amount of trash and debris left on a lot for a period of seven (7) days will be considered a violation.
3. Littering: Any driver, operator, or worker will be prosecuted to the fullest extent of the law for littering within the Old Kinderhook Communities. This may include a \$1000.00 fine and up to one year in jail per Missouri State statutes in addition to any other remedies available to the Old Kinderhook Community Developer or the ARC.

4. All fires for the removal of trash and debris shall be attended to at all times, with appropriate means of extinguishing immediately available. The Fire Marshall as well as the Old Kinderhook Security Department must approve all controlled burns.
5. Fill must be clean and be free of contamination. No fill, topsoil, sand, gravel, or other materials shall be placed on the road, road right-of-way, common area, or adjoining property at any time without the express permission of all affected parties.
6. All construction equipment shall be parked on the lot and not impede traffic flow nor create a hazard for driving. Temporarily blocking one lane of traffic (i.e., delivering concrete, unloading and loading) shall be adequately identified for oncoming traffic as a hazard ahead, with the Old Kinderhook Security Department being notified of the situation, with time limits for each vehicle not to exceed one hour. No construction vehicles may be left on the road or road right of way after hours or overnight, without expressed consent. If an exception is made, the vehicle or equipment must be clearly marked with reflectors or flashers.
7. Washing out cement trucks in the road right-of-ways, ditches, or adjoining property will not be allowed and may result in the forfeiture of all or part of the damage deposit. The cost for removing the wash will be borne by the contractor or property owner, as deemed necessary by the ARC. Contractors are requested to utilize the designated washout area at the construction entrance.
8. Temporary individual sewage and personal sanitary facilities will be on all lots during all phases of residential home construction.
9. Any damage to adjoining property, roads, ditch lines, or common areas must be restored in a manner satisfactory to the ARC as well as the adjoining property owner (if applicable). If the restoration is not resolved in a timely manner, the damage deposit will be forfeited and utilized to reclaim the area. An additional deposit will be required to bring the total back to \$3,000.00. The contractor/property owner must supply this before resuming construction.
10. Changes during the course of construction must be submitted and approved by the ARC prior to commencing with said changes.
11. Neither advertisements nor promotional materials shall be displayed at the construction site. Only the building permit issued by the Architectural Review Committee and any applicable governing agencies are to be displayed at the lot. A sign listing the builder and telephone number is allowed as a means of locating the builder in an emergency. No letters or numbers larger than three inches are allowed on the signs.

12. A minimum twenty-four hour advance notice is mandatory to schedule all inspections by the ARC representatives. This does not infer the inspection will be completed within the twenty-four hour notice time. All property limits are to be identified by means of a string line to facilitate inspections. All property identification lines are to be left intact during the entire course of construction. It is the contractor's or property owner's responsibility to inquire as to the status of the inspection. No concrete may be poured until verification has been given to the contractor or property owner that the inspection has been completed.
13. All utility trenches must be backfilled and cables buried.
14. The property pins must remain intact.
15. Runoff on the construction site shall be controlled by means of a silt barrier. This silt barrier shall be properly installed prior to clearing and preparation of the lot.

A "Stop Work" order may be issued for violation of any other guideline contained in this handbook and not specified above.

F. Variances:

A reasonable variance may be petitioned before the ARC if the granting of the variance will not be materially detrimental or injurious to the owners of other lots. The ARC uses the following guidelines as criteria for reviewing variance requests:

- * If there is a reason for finding a "hardship" based on a peculiar topographical condition of the land.
- * If there exists a condition of the land whereby no other feasible alternative is available to remedy the situation, the ARC will review the petition on a case-by-case basis.
- * Recommendations by the ARC can be made to minimize or eliminate the magnitude of the variance and approval contingent thereon.
- * A variance may not be approved for a "self-inflicted hardship", defined as a hardship created by the unapproved construction of a structure or improvement in violation of the building guidelines. The ARC is not bound to approve or grant variances after the violation has occurred. Submittal of an "as built" plan for a self-inflicted hardship does not assure the "as built" variances will be approved. Approval from adjoining property owner(s) to allow the infraction to the setback does not constitute approval by the ARC, nor does it supercede the ARC's decision.

G. Landscape:

Site plans presented to the ARC must include a landscape plan. Landscape plans must depict trees and bushes that will be planted, and any above ground structures or grade elevations, which will be added. Features to be shown include, but are not limited to, retaining walls, fountains, gazebos, flagpoles, light standards, sidewalks, and flumes.

A complete irrigation plan, quantifying head location, head type, pipe location pipe size, backflow preventor location and screening, and controller location and screening shall be submitted for review and approval by the ARC prior to installation.

There shall be no removal of existing plant material within the forest preservation setback without prior written approval of the ARC. The developer may choose to clear out underbrush on any lot prior to sale of the property. Property owners may request an "Underbrush Clearing Only" permit from the ARC prior to construction.

Regionally native plant materials should be used to provide a sustainable, low-maintenance landscape, which blends with the existing forest edges. Cleared areas (front, sides, rear of house) shall be adequately landscaped with trees, shrubs, groundcovers and lawns native to the region and designed to complement the architectural character of the proposed house in form, location and scale.

Formal gardens and turf areas shall be limited to locations immediately adjacent to the house such as entryways or small gardens at the rear. The use of mulch as a landscaping material should be minimized.

Outdoor lighting of the house and landscape should encourage safety while avoiding glare in adjacent properties, streets, the golf course, or public areas. Up lighting of any kind is prohibited. The intention is to maintain a dark sky and rural feeling throughout the Old Kinderhook Community.

H. Driveways & Culverts:

Plans must be submitted depicting driveway location with dimensions, culvert location and size, adequate turn-around location and size (as deemed necessary), along with existing and finish grade elevations of the driveway. Hard surface driveways are required for all homes in the Old Kinderhook Communities.

In all cases, one driveway with a maximum width of 12 feet may encroach upon the forest preservation setback.

For driveway construction into the side lot setback to be approved, the driveway must be on existing grade. Should any bonafide utility company utilize the utility easements, the portion of the driveway within the setback may need to be removed. The costs associated with the restoration, repair, or replacement of the driveway will be the responsibility of the owner of record. All driveway runoff must be confined to the limits of the lot and, should the driveway encompass a portion of the setback, appropriate and efficient methods of diverting the runoff must be included. Should a berm be utilized to support the driveway, the berm must be confined entirely to the boundaries of the lot.

The driveway may not be supported by a retaining wall or similar structure where it encroaches into the fifteen-foot side lot line setback. Curbing must not exceed six inches in height above grade level. The hard surface of the driveway must abut the road pavement and be flush with the existing pavement of the road at the point of juncture.

Culverts are mandatory if there is an existing drainage ditch. Culverts are to be a minimum diameter of fifteen inches, and be of corrugated metal pipe, ABS plastic or concrete. It is the responsibility of the owner of record to maintain the culvert servicing the driveway to the residence, even though the culvert is within the road right-of-way.

I. Garages:

All new home construction projects must have a minimum of a one-car garage unless otherwise approved by the ARC. The garage should never compete with or overwhelm the primary body of the house. When the garage faces the street, it should be recessed from the front façade of the house if possible. Garage forms, design, materials and detailing should be similar in quality to the house. A garage, which is visible from the street or public view, will receive careful design attention and should complement the primary facade.

J. Fences:

The ARC must approve all fence designs. Fences will be architecturally compatible with the design, details, and colors of the principal house on the same lot. All fences will be constructed and designed so that a finished side faces outward from the property on which it is located. They shall be stained and sealed or painted on both sides. Stain and paint colors shall be submitted for review by the ARC.

Front yards, the street front sides of corner lots, and yards addressing common open space may have a non-solid fence provided that its height does not exceed 3 feet 6 inches. Fence posts and gateways may have a maximum height of 4 feet 0 inches. For all single-family detached house lots, side and rear yard fences are not allowed.

Plans must be submitted depicting location and dimensions of fence proposed. No fence may be placed directly on a common lot line. **All fences are to be constructed within the building envelope and shall not extend into the forest preservation setback.**

If the purpose of the fence is for pet confinement, it is encouraged that electronic or "invisible fences" be installed. Privacy fences are not allowed. Decorative fences, rock wing walls, etc., which are primarily for landscaping or cosmetic purposes, must also be free from the side setback and not located within the road right-of-way.

Light posts of stone or brick must be low profile and be positioned using the same guidelines as decorative fences. Maintenance of such structures is the responsibility of the owner of record.

K. Decks and Deck Railings:

The ARC has the authority to allow a deck to extend beyond the building envelope. Enclosing decks extending beyond the building envelope is strictly prohibited. Enclosing under the decks may be considered if the treatment tank or lateral lines are not located under the deck. Please refer to Section XI. of this document, **UTILITIES**.

All walking platforms, including decks and martini decks, as defined by the area fire protection/life safety building codes, above grade elevation and as stipulated in these building codes, must be protected by a railing of some fashion. Pickets, if run vertically, must meet the appropriate building codes. All construction details for railings must be submitted to the ARC as well as the appropriate governing agency. Guardrail protection must be afforded to all screened porches and similar structures above existing finish grade level as designated by the appropriate building codes.

L. Swimming Pools:

Pools, spas, and accessory structures will match or complement the home design and detailing and must be approved by the ARC. All pools must be submitted on a site plan, with a cross-section noting elevations attached. Neither the pool nor any of its appurtenances (i.e., pump house, deck, retaining walls, etc.) may be located within the forest preservation setbacks. All decking, retaining walls, railings, etc., must be submitted to the ARC in accurate detail. The site plan must note the lot dimensions, contours in two-foot increments, house location, and setbacks. All swimming pools must meet applicable ICC Codes for safety purposes. A swimming pool discharge permit may be required from the Missouri Department of Natural Resources (DNR).

M. Poles:

No flagpoles, light standards, basketball goals, or other permanent structures or appurtenances over six feet in height are to be erected without prior ARC approval.

N. Signs:

One sign listing the builder and telephone number is allowed as a means of locating the builder in an emergency. No advertisements, nor promotional material, shall be displayed at the construction site.

The total dimensions of the sign cannot be greater than 24 inches x 24 inches.

The sign will contain, within the 24-inch x 24-inch area, any building permit(s), affixed there-to.

The sign will be placed on its own post (**and in no case on a tree**), visible from the road.

The sign will contain the company name, emergency phone number, and the Old Kinderhook ARC building permit. It will be of professional quality. No casually painted or hand-painted signs will be allowed.

The sign containing the company name, emergency phone number and building permit will be allowed for the duration of the building permit.

Builders are encouraged to place warning/safety signs near all hazards.

Signs which do not meet the above criteria, or which are not, in the opinion of the ARC the quality expected within the development, will be removed.

O. Mailboxes

All mailboxes, including their design and location, shall be approved by the ARC prior to installation.

P. Other Site Elements:

Refuse containers, woodpiles, etc. will be stored within an enclosed storage area, appropriately fenced, walled or screened by landscaping from public view. Satellite dish, antenna, and play equipment must be located out of public view and must be approved by the ARC. They also should not be visible from the golf course. No pre-fabricated storage buildings are allowed.

III. REVIEW AND PERMITTING PROCESS

A. ARCHITECTURAL REVIEW COMMITTEE (ARC)

1. ARC Review and Permitting

Notice of the ARC's decision regarding approval or disapproval of plans will be sent to the applicant and owner of record within five working days following the review of the ARC.

Upon written receipt of the approval by the ARC, the building permit will be issued. The permit should be obtained from the ARC Administrative Office. Upon request from the property owner, a permit will be mailed. No work is to begin until the building permit is posted. Two sets of approved plans will be returned at the time the permit is issued. The ARC will validate that all construction is completed as approved and will retain a set of plans for its records.

Building permits are issued for an initial period of nine months, from date of issuance, to complete the project. Should construction not be completed by the date of expiration of the building permit, an extension of no more than three (3) months must be requested and approved by the ARC citing a projected timeline for the completion of the project. Any improvement not completed or upon which construction has ceased for sixty (60)

consecutive days or partially destroyed and not rebuilt within the life of the building permit, shall be considered a nuisance. The cost of repairs or completion shall be deducted from the deposit or, if the cost exceeds the deposit amount, the balance shall be assessed to the property. The ARC may take any and all other remedial actions afforded to it as well.

2. Appeals:

Any decision made by the ARC, disputed by the applicant, must first be appealed to the ARC. If satisfaction is not reached, the decision may be appealed to the Old Kinderhook Developer, or its designee, within thirty days (30) of said ARC decision. In the event a homeowner or contractor elects to appeal a determination made by the ARC, a written petition must be submitted to the Property Manager within a minimum of ten days. Property owners may submit this request to:

Old Kinderhook
Project Manager
20 Eagle Ridge Road
Camdenton, MO. 65020

B. OTHER REVIEWS

1. Camden County Planning and Zoning

The Camden County Planning and Zoning Department must review and permit plans for any proposed construction. The property owner or the owner's agent must display a copy of the stamped and signed building plans. You may contact the Camden County Planning and Zoning Department at (573) 346-4440, ext. 361 or at #1 Court Circle, Suite 15, Camdenton, MO 65020.

2. Mid Country Fire Protection District:

The Mid County Fire Protection District's Fire Marshall must also review and approve plans for any proposed construction. You may contact the Fire Marshall at 573-346-2049.

IV. OTHER NECESSARY PERMITS

A. Burn Permits:

Open burning may be allowed with permission from the appropriate fire protection district. The Old Kinderhook Security Department must also be notified. You must provide requester name, telephone number and the street address at the time the burn permit is requested. **All fires must be attended to at all times, with adequate arrangements for immediately extinguishing the fire provided.** Any unattended fire will be documented and the appropriate action instituted by the Fire Protection District.

The ARC may take corrective action against the property owner to include a Stop Work Order, fine or both.

V. INSPECTION PROCEDURES

A. Overview:

During the construction process, the ARC administrative staff must conduct several inspections. A minimum twenty-four hour advance notice is required to schedule all inspections. Failure to allow sufficient time for scheduling the inspections may result in a delay of construction time. If possible, inspections will be completed so such delays do not occur. If, in the opinion of the ARC, the foundation of the structure is located within or close to the setback of any lot line, it may be necessary that a certified survey of the concrete or foundation be provided. It is the responsibility of the applicant to inquire as to the results of the inspection by the ARC administrative staff. No work shall continue until said inspection has been approved. If disapproved, construction must cease until the inspection has been approved.

B. Right of Entry:

Agents of the Developer and the ARC administrative staff have the right to enter any property or tract at any reasonable time for the purpose of inspecting for possible violation of the rules and guidelines contained in this manual. The right of entry is granted to the Developer, the ARC and its authorized representatives, its successors and representatives, and the representatives of any person, firm, corporation, municipality or public agency contracting or otherwise acting with or for the Developer to provide security, maintenance or monitoring service.

C. Footing Location Inspections:

A footing location inspection is done to see that the construction is being performed as approved by the ARC. No structural review is inferred. Location is the only criterion used in ARC footing inspections. No concrete may be poured at any time without prior approval. Failure to comply will be a violation of the building guidelines set forth for the development. All excavation is to be completed and forms correctly placed prior to requesting said inspection.

The ARC may request a survey, at the owner's expense, by a professional land surveyor licensed in the State of Missouri to survey the foundation prior to pouring any concrete. A copy of the survey must be submitted for approval to be granted. No framing may begin until a copy of the certified foundation survey is received and approved by the ARC. An additional footing inspection by your appropriate governing agency may be required.

After Footings have been poured, it is the responsibility of the property owner/contractor to contact Camden County E-911 in order for them to identify the property and issue an E-911 address.

D. Final Inspection:

A final inspection will be completed at the time of expiration of the building permit, with results made available to the applicant. A copy of the occupancy permit from the appropriate governing agency must be submitted prior to the ARC's final inspection. Should an additional inspection be necessary after the initial final inspection is completed, a charge of twenty-five dollars for each additional inspection will be deducted from the posted damage/performance deposit to defray the costs of administration. Should the improvement be completed prior to expiration of the building permit, the applicant must notify the ARC office to schedule the final inspection.

E. Corrective Action:

Failure to comply with the above rules and regulations may result in all or a portion of the damage/performance deposit being forfeited. Any other course of action deemed necessary by and afforded to the Developer of the Old Kinderhook Community may be implemented to correct the violation. In the event a Stop Work Order is posted, all construction activity shall cease until the corrective action is completed and inspected by the ARC. Reinstatement of the building permit will require that all corrective action has been completed.

VI. CONSTRUCTION ACTIVITY

1. All construction and equipment must be confined to the limits of the lot that has been approved for construction. No brush, dirt, fill, equipment, building materials, or other materials may be stored on an adjacent lot, common area, within the forest preservation area, or on any road during the improvement process. All trash and debris must be disposed of in a proper construction waste receptacle.
2. All work is to be done in a professional manner and the site cleaned up after each day's work. It is mandatory that temporary sewage facilities be available on the construction site during the entire course of construction.
3. As a courtesy to neighboring property owners, the ARC requires that all construction activity shall commence no earlier than 7:00 a.m. and cease by 6:00 p.m. Monday through Friday, no earlier than 8:00 a.m. and no later than 5:00 p.m. on Saturdays and that no activity should take place on Sundays or holiday weekends. Particular attention should be paid to the guidelines in Section II, E-2, of this document pertaining to **DAMAGE/PERFORMANCE DEPOSIT**. No loud music or abusive language shall be permitted.
4. Parking of all construction / worker vehicles shall be confined to one side of the roadway and kept off of the roadway to the extent possible during construction hours. No vehicle, trailer or construction equipment shall be parked on any roadway overnight or on weekends.

Any equipment potentially impeding the flow of traffic must be clearly marked as a potentially hazardous situation i.e. Traffic safety cones, caution tape, etc. and the Old Kinderhook Security Department must be notified of the nature and location of the potential hazard.

5. Contractors are not allowed to make use of any Old Kinderhook amenities; i.e. swimming pools, tennis courts docks, etc. Any construction worker entering any Old Kinderhook public facility must wear appropriate attire, which shall exclude t-shirts, cut-off shorts and dirty work boots).
6. Concrete trucks may wash out in designated areas only. Dumping excess concrete or washing out concrete tailings in common areas or Old Kinderhook properties other than those so designated may result in monetary fines or other such remedies afforded the association.
7. The golf course superintendent must approve any construction access onto or across golf course property. Failure to obtain proper approval may result in the issuance of a "Stop Work" order, monetary fines or other such remedies afforded the association.

VII. COMMON AREAS

Areas designated as **common, community, access** or unidentified or unlabeled areas as depicted on the plats as being a part of the Old Kinderhook Community as recorded in Camden County, Missouri are to remain in a natural state. These areas have been set aside for future improvements or amenities or as forest preservation as a sanctuary for wildlife and to maintain the woodland characteristics of the community. **It is not permissible to make any modification to these areas.** Clearing the underbrush, grading, graveling, or any other alteration is prohibited unless approval is received from the ARC.

Removal of any trees is also prohibited. Trees that have fallen or rotted may be removed only if there is a potential danger to existing structures and prior approval by the ARC has been obtained. There are no permanent structures to be erected on any common area, including, but not limited to, walkways, paths, retaining walls, etc. without prior written consent of the ARC. All improvements will be of natural materials; walkways are to be **serpentine** in design; and no trees are to be removed.

VIII. TREES

- A. The ARC and its agents will review tree removal requests in a manner that takes the entire development into consideration, not just the individual lot.

- B. Removal of trees over eight inches (8") in diameter is prohibited prior to actual development on a lot. Tree removal shall be limited to those trees that are within a six-foot (6') perimeter of the construction footprint or are diseased or in danger of falling and damaging property. All trees, which are to be removed, shall be pre-marked by the property owner or his/her agent. The ARC administrative staff will make a pre-removal inspection and only those trees, which have been marked by the ARC, shall be removed. Removal of any trees not marked shall result in fines.
- C. Priority for preservation will be given to flowering trees and rare trees. Removal of diseased trees is encouraged. A diseased tree is defined as one infested with fatal and incurable viruses and blights. Normal infestation with insects or nonfatal viruses and blights will not be a cause for removal.
- D. If trees are removed without a permit, the ARC shall impose a five-hundred-dollar (\$500.00) fine per tree and require the property owner to replace trees removed with nursery-grade replacements at a rate of two (2) trees for each tree removal. The size, species and location of these trees are to be determined by the ARC.
- E. The property owner will assume all responsibility for the removal of trees from their property. The property owner will pay all fees and fines and will be responsible for proper clean up of any trees on their lot which are cut or which fall over.
- F. All trees, brush, limbs, or other debris consequent to clearing or removal shall be disposed of in an acceptable manner. Acceptable methods are burning (with permit from the appropriate fire protection district) chipping and mulching, or carrying off site to a location where permission to dispose has been obtained. Failure to dispose of the cut material will be treated as a violation of a permit and can result in forfeiture of damage deposit and additional fines.

IX. CONSOLIDATING OR SUBDIVIDING LOTS

Lots may be subdivided if all portions of the lots so subdivided are conveyed to the owners of an adjacent lot, thereby enlarging such lot. The revised boundary between the enlarged lot(s) shall constitute the property lines for the purposes of meeting the building guidelines.

The subdivision of lots authorized by this section shall be effective only if the owners of the lot being subdivided and the owners of the lots being enlarged join in the execution of an indenture, setting forth the new boundary of the enlarged lots. The indenture shall be approved in writing by the Developer and is recorded in the Office of the Recorder of Deeds, Camden County, Missouri.

Said owners of the enlarged lots shall be liable for their pro-rated share of the assessments of the subdivided lots. If a building or any part of a building is placed on a portion of the subdivided lot, the owner to whom that portion was conveyed shall pay

twice his pro-rated share, since said portion will be considered a developed lot for purposes of assessments.

X. UTILITIES

A. Wastewater:

Centralized wastewater treatment service is provided through the Old Kinderhook Community Association. Property owners, or their contractor, must contact Lake of the Ozarks Water and Sewer prior to connection of the residential wastewater discharge line to the main wastewater line. Lake of the Ozarks Water and Sewer will locate the appropriate tap location. It is the responsibility of the property owner, or the contractor, to make this final connection. You may contact Lake of the Ozarks Water and Sewer at: (573) 346-2092 Monday through Friday during normal business hours.

B. Water Service:

Community water service is provided to residents of the communities of Old Kinderhook for a fee. Connection to the water service must be coordinated through Lake of the Ozarks Water and Sewer. Property owners, or their contractor, must contact Lake of the Ozarks Water and Sewer in order to make arrangements for this connection. The Old Kinderhook community association will provide the water meter and meter pit as part of the "Tap" fees referenced in section E-III of this document. The property owner, or their contractor, will be responsible for trenching from the structure to the location designated by the service provider as well as installing the service line from the structure to the designated tap location. The service provider will furnish the water meter and meter pit and must install the meter pit and the meter. Lake of the Ozarks Water and Sewer requires a minimum of forty-eight (48) hours advance notice for all connection requests, you may contact Lake of the Ozarks Water and Sewer at: (573) 346-2092 Monday through Friday during normal business hours.

1. Backflow Preventors:

The Department of Natural Resources (DNR) statutes may require that property owners install backflow preventors in water lines, including but not limited to water lines to docks, swimming pools, and irrigation.

2. Metered Water:

Metered water service is available to the lots within the Old Kinderhook Communities. Installation of water service may be coordinated with electrical utility installation and located in the same trench.

It is the customer's responsibility to provide the water service line and conduit for Southwest Electric Cooperative's power cable to the structure. A trench must be dug to within five feet of the property corner (or location of meter).

Owners and their contractors should confine all trenching to the building envelope except for that portion crossing the forest preservation setback necessary to make connection to any utility.

Any requests for turning water off at the meter to repair a leak will be charged to the applicant, as provided for in the tariffs on file with the Missouri Public Service Commission. It is strictly forbidden for a customer, or a plumber employed by the customer, to turn water service on or off at the meter. The cost to repair any damage done to the meter by the customer or the customer's representative may be billed to the customer.

The installation of a pressure-reducing valve is strongly recommended. As stated in the tariffs from the Missouri Public Service Commission, **the water company is not liable for damage, either direct or incidental, beyond the three-quarter-inch male pipe thread service connection.** The association will retain ownership of the water meter, but it is the responsibility of the customer to make certain that the meter does not freeze in the winter months.

C. Fuel Storage Tanks:

1. Above Ground Storage:

Appropriate screening or concealment of any and all fuel storage tanks must be submitted to the ARC for review. The containment facility shall be unobtrusively located toward the rear of the house and screened from public view by landscaping or appropriate fencing to minimize visual impact.

2. Underground Storage:

The designated utility corridors or setback easements are not to be utilized for underground tank burial. The tank and all appurtenances shall be in accordance with Camden County Fire Protection regulations and be approved by the district's Fire Marshall.

D. Telephone Service:

SBC Telephone provides local telephone. Call toll free 1-800-464-7928 to make arrangements.

E. Cable Television:

Local cable service is from Rapid Cable Communications. As with all utility service, it is important to contact them before paving work on sidewalks and driveways are done. If you contact Rapid Cable Communications at 1-866-301-5388 before doing driveway work, a conduit will be provided free of charge. Allow two to three days for delivery.

F. Electricity:

Southwest Electric Cooperative provides electrical service to all of the Old Kinderhook Communities. You may contact Southwest Electric Cooperative at 1-800-262-0326.

XI. AUTHORITY

Authority of the Architectural Review Committee to act as a governing committee, on behalf of the Old Kinderhook Master Community Association is granted through Article XIII of the Declaration of Protective Covenants and Restrictions for Old Kinderhook. Paragraphs 13.1 through 13.27 outline the authority and responsibilities conferred on this Committee.

XII. AMENDMENT PROCESS

The provisions of this Old Kinderhook Architectural Review Committee Design Guidelines for Home Builders shall be in effect and run with the land and shall exist and be binding upon all Old Kinderhook properties. The Developer may amend these guidelines at any time until such time as all governing authority has been conveyed to each community association, at which time, the association Board of Directors for the community or the ARC may amend the guidelines.

XIII. NOTICE OF DISCLAIMER

The Developer or the ARC may amend these Guidelines from time to time without notice to the property owners. In the event of conflict between these Guidelines and any federal, state or local statute, law, rule or regulation, such statute, law, rule or regulation will take precedence over these Guidelines.

EXHIBIT A

TELEPHONE NUMBERS

WCA Waste Management	1-800-358-7274
Rapid Cable Communications Television Co.	1-877-423-2743
U. S. Resort Management, Inc.	573-365-6628
Old Kinderhook Security	573-317-3544
Camden County Road District	573-346-4471
Lake Builders Association	573-348-1523
Lake of the Ozarks Water and Sewer	573-346-2092
Mid-County Fire Protection District	573-345-3997
SBC Telephone Co.	800-464-7928
Southwest Electric Cooperative	1-800-262-0326
Post Office (Camdenton)	1-800-ASK USPS (1-800-275-8777)
Department of Natural Resources (DNR)	573-751-2729