

Permitting Construction Projects on Lake Summit (link)

Please take time to read the **Shoreline Management Regulations** (link) to better understand the construction regulations and permitting process for work on existing and new construction projects to take place around the **shoreline** of Lake Summit.

Permitting Process- There are two parts to the permitting process. First, an appropriate application must be completed and submitted to the **Lake Summit Shoreline Management Committee** for review. There are two applications, one for construction on an existing boathouse or dock and one for new construction. The application will describe all that is required by the Shoreline Management Committee to help you acquire a building permit. (link to applications) **Note: A simple drawing showing the floor plan, elevation and dimensions of your project is all that is required when ask to submit a drawing on the application.** After reading the **Shoreline Management Regulations** and completing the application, you may mail it to Mr. Andy Goldsmith, PO Box 1887, Greenville, SC 29602. If there are any questions with the application you may address them to Andy by email or phone. andygoldsmith@att.net, 864-380-7476.

After the Shoreline Management Committee has reviewed and approved your project as being within the guidelines of the Lake Summit Shoreline Regulations, you will receive a letter of approval from the committee. With this letter, you may then engage your licensed contractor to make application for the required permits at the Hendersonville County Permits Department prior to beginning the construction of your project. **Note: More detailed drawings may be required by the county depending on the nature of the permit requested.**

Throughout your construction project the LSPOA encourages you and your contractor to be mindful and respectful of your neighbors desire to enjoy the peaceful and beautiful environment that makes our Lake so special.

North Carolina, Henderson County The foregoing certificate(s) of

Mason C. Holdnick
Notary Public (~~Notary Public~~) is/are certified to be correct, this instrument presented for registration and recorded in this office this 29 day of October, 2008 at 9:10AM in book 1159 page 670

Debra W. Moles
Register of Deeds

Andrew Bragg
(Assistant Deputy)

Prepared by: Shoreline Management Committee of the LSPOA.

Return Mullinax Law Firm
State of North Carolina)
County of Henderson)

AMENDED
SHORELINE MANAGEMENT REGULATIONS
OF THE LAKE SUMMIT PROPERTY OWNERS ASSOCIATION, INC.*

The purpose of these Regulations¹ (which includes the Glossary) is to provide detailed procedures and criteria to regulate certain activities within the leasehold of the LSPOA², same being the property of Duke Power Company. Duke Power regulates its lakes by use of its booklet "Shoreline Management Guidelines." In its lease to LSPOA, Duke Power provided:

"In furtherance of this, the Lessee [LSPOA] shall and does have the right and authority, exercisable in its sole and absolute discretion, to promulgate rules and guidelines for the construction of recreational improvements upon the subject property, which shall include, but not be limited to, sanitary guidelines, square footage, control of encroachments upon the leased premises, and prevention of boat and/or vehicle ramps over or on the leased premises. Lessee's control of the leased premises for such purposes may be enforced by Lessee in its name in any court of competent jurisdiction, as though Lessee were the owner of the leased premises. The

* All bold type terms are defined in a footnote the first time the term is used and each is also defined in the Glossary. After a defined term is first used, it will appear with the first letter capitalized.
¹ These 2002 Lake Summit Shoreline Management Regulations, and any amendments or replacements thereto. Should these Regulations cease to exist, "Regulations" shall mean the applicable Duke Power Shoreline Management Guidelines.
² The Lake Summit Property Owners Association, Inc.

Lessor, however, retains the right to approve any filling in of property of the leased premises by any party or third party, in its sole discretion, prior to any such filling being performed." (Emphasis added.)

Through these Regulations, the LSPOA desires to encourage safe use of Lake Summit³ and to see only orderly use of and development of Lake Summit, while protecting the ambiance and charm of the Lake and while protecting the peace, harmony, and property values of the lakefront landowners. By these Regulations, it also seeks to protect Duke Power's and LSPOA's interests in Lake Summit.

Regarding construction activities and the occupancy of Facilities⁴, LSPOA seeks to provide an orderly process for submittal of Applications⁵ for construction and occupancy of Facilities and other activities on Lake Summit.

Any occupancy or use of Duke Power owned Lake Summit, leased to LSPOA, requires prior written authorization by the LSPOA Board⁶, acting through its Committee⁷. (The term "Committee" refers to that group appointed by the LSPOA Board and designated as the Committee to administer the Shoreline Management Regulations⁸.) Authorized occupancy and use shall always be conditioned upon the compliance by the

³ The area owned by Duke Power and under lease by Duke Power to LSPOA.

⁴ Any object, post, pole, structure, combination of structures, or any other thing that the Committee determines to be a Facility, that exists within or is placed within the LSPOA leasehold (Lake Summit). No new Facility may be used for overnight habitation. A Facility must stand separate from any onshore structure, unless the Committee determines that the proposed Facility will result in less burden to Lake Summit than would a Facility built entirely over water.

⁵ LSPOA form prepared by the Committee upon which the Applicant describes and officially requests a given Lake Summit use. The Application must be signed by the owner, and if more than one owner, by each of the owners. By submitting an Application, the Applicant agrees to be bound by the LSPOA Shoreline Management Regulations and agrees to fully cooperate with the LSPOA.

⁶ The Board of Directors of the LSPOA

⁷ Committee, as used herein, shall refer to that group appointed by the Board of the LSPOA and designated as the Committee to administer the Shoreline Management Regulations. The Committee shall take all actions that it deems necessary to administer these Shoreline Management Regulations in the name of the LSPOA and/or Duke Power.

⁸ The set of regulations from time to time adopted by the LSPOA Board and interpreted by the Committee.

Applicant⁹ with these and subsequent Regulations, and permission to occupy and use may be withdrawn by the Committee, upon the approval of the LSPOA Board, should it determine that a violation of these or subsequent Regulations exists. LSPOA Board intends that it and the Committee will monitor activities on Lake Summit to ensure activities are consistent with established LSPOA Regulations. These Regulations provide permitting criteria and procedures concerning "Facilities."

The administration of these Regulations shall be by the Committee and is for the purpose of furthering the interests of the LSPOA as expressed herein. No Applicant may rely on any such review or approval as having to do with safety, engineering practices, or compliance with building codes, laws, regulations, etc. The Applicant is solely responsible for these and similar issues.

Any shoreline landowner who believes that he has been adversely affected by an action of the Committee in the denial of an Application, may appeal to the LSPOA Board, pursuant to such appeals process as is established by that Board. The Committee shall forward to such appeals board any material and information which it has accumulated, along with any correspondence or document containing the denial of the application. In the event the Committee fails to act upon an application within sixty (60) days of its receipt, the Applicant may appeal this failure to act to the LSPOA Board; provided, however, that if the Applicant and the Committee are in discussions over the Application such an appeal is not encouraged.

Except for certain repairs specified herein, all parties desiring to perform, or who have performed, any work upon a new or existing Facility on Lake Summit must obtain

⁹ Each and every record owner of the Waterfront Lot and Single Family Dwelling Lot. Each and every owner must sign the Application.

written authorization from the Committee prior to beginning any activity/construction. All Facilities must be constructed to extend from the Applicant's **Waterfront Lot**¹⁰ for the purpose of providing **Private Access**¹¹ to Lake Summit for the owner(s) (and guests) of a **Single Family Dwelling Lot**¹².

Since every possible situation cannot be anticipated, LSPOA, through its Committee, reserves the right and authority, and has delegated this right and authority to the Committee, to make special rulings in cases where strict adherence would not, in the sole judgment of the Committee, further the purposes of these Regulations, nor be in the best interest of the LSPOA or Duke Power. The interpretation of these Regulations and the meaning of words or terms contained herein shall be in the sole judgment of the Committee.

- 1) All costs of the Application and compliance with these Regulations shall be borne by the Applicant.
- 2) No construction activity that relates to or affects any Facility extending over Lake Summit that requires a **Permit**¹³ under the Regulations may commence until it has been permitted, in advance, by the Committee. This includes construction or work related either to new or to existing Facilities.
- 3) All Facilities must comply with the most stringent and restrictive of these Regulations and all applicable local, state, and federal regulations. No permit may be sought from any governmental or regulatory body until the Committee has issued its written Permit. Also, all necessary governmental

¹⁰ A lot of land owned by the Applicant, having frontage on Lake Summit. The Committee may allow construction of a Facility, consistent with these Regulations, extending from such a lot provided the Applicant owns a Single Family Dwelling Lot and provided the Waterfront Lot is tied to the Single Family Dwelling Lot by recorded document, approved as to form by the attorney for the Committee, so that the Waterfront Lot may not be sold separate from the Single Family Dwelling Lot without the written consent of the Committee.

¹¹ Facilities that provide access to Lake Summit for any private type of use.

¹² A lot of land upon which Henderson County Zoning ordinances permit the construction of a single family dwelling. Said lot must be located within the Waterfront Residential District zone surrounding Lake Summit and must be within a reasonable distance from the proposed Facility, as determined by the Committee. Ordinarily, the Applicant's Waterfront Lot must be contiguous to the Applicant's Single Family Dwelling Lot, as determined in the sole judgment of the Committee.

¹³ The written authorization from the Committee that is required prior to beginning any construction on or in LSPOA's leasehold (Lake Summit).

permits or approvals must be obtained prior to beginning any activity/construction of a Facility.

- 4) The Applicant(s) must be the owner(s) of the Waterfront Lot. The Applicant(s) must also own a Single Family Dwelling Lot. LSPOA will hold the Applicant(s) fully responsible for compliance with these Regulations (including maintaining structures in good repair). Where more than two owners apply, the Committee shall withhold approval if it determines, to its sole satisfaction, that an effort to circumvent these Regulations exists. For example, no ownership that involves, in form or effect, a clubhouse, condominium, or interval ownership, or like device, will be allowed, nor shall the public be admitted to a Facility, and should such a situation develop, the permission to use the Facility may be withdrawn by the Committee.

It is recognized that camps operate on the lake and serve their participants. Camps must comply with these Regulations. However, there is no intent to interfere with their traditional camping and participant activities.

- 5) A Facility is an auxiliary to a Single Family Dwelling Lot. It is not a house. No new Facility may be designed for, built for, or used for overnight habitation. Existing Facilities which, prior to January 1, 2002, regularly were used for overnight habitation, may continue that use, but the Facility may not be modified or enlarged. Should a Facility used for overnight habitation prior to January 1, 2002, undergo a **Facility Replacement**¹⁴, it must comply with the provisions regarding Facility Replacements. Otherwise, no existing Facility may be modified for use as overnight habitation nor used for overnight habitation.

A Facility may not be used to provide lake access to anyone other than the owners of a Single Family Dwelling Lot and their occasional guests, nor to serve as a clubhouse or anything of the sort, nor be made available to groups on a frequent basis.

Multiple owners of a Single Family Dwelling Lot may be allowed to use a Facility, provided there is a finding that no intent to violate the spirit of these Regulations is present. More than three families owning an interest in a Facility likely will be found to violate the spirit of these Regulations unless the situation came to exist as a result of inheritance of interests or gifts to children of an owner.

¹⁴ Facility Replacement occurs when there is any construction activity that involves the removal and/or replacement and/or renovation of, or to, over 50 percent of an existing Facility, whether done at one time or over a period of time. Whether a Facility Replacement occurs is solely within the discretion of the Committee. In the event of a Facility Replacement, the resulting Facility may not exceed the maximum dimensions of the Year 2002 Standard or its replacement and shall otherwise comply with these Regulations, or their replacement, and shall be built to a smaller size if the Committee determines this to be in the best interests of the LSPOA.

Provided there is no intent to circumvent this provision, the form of ownership (for example, an LLC or Family Limited Partnership) shall not be deemed to be a Violation¹⁵ of this provision. Upon request, a list of names and addresses and relationship to one another shall be promptly furnished to the Committee.

- 6) No new Swim Platforms¹⁶ will be permitted. In the repair of existing floating Swim Platforms or floating portions of a Facility, only flotation materials that are puncture resistant and will not sink if punctured may be used. Steel drums are prohibited, and uncoated, beaded polystyrene will not be permitted for any replacement flotation for existing floating Swim Platforms.
- 7) A lot having less than 125 feet of continuous shoreline (as measured along the 2012.6 elevation) will not be considered for a Facility unless it was deeded or subdivided by document(s) recorded prior to the date of recordation of these Regulations in the Henderson County Courthouse. With respect to a lot deeded or subdivided by document(s) recorded prior to the date of recordation of these Regulations, having less than 125 feet of continuous lake frontage, should the Applicant desire to have roofed-over areas and/or second stories, the Committee will determine whether the proposed construction is in keeping with the goals expressed herein and may, in appropriate circumstances, require changes to the proposed Facility.
- 8) No more than one Facility per Waterfront Lot will be considered for approval.
- 9) A Fee¹⁷ shall be charged for the consideration of each Application, for payments to persons hired by the Committee to assist the Committee with inspections, providing expertise, etc., and for other help or assistance to the Committee as the Committee deems advisable. Initially, this Fee shall be \$900.00 per Application, but the Committee shall have the authority to increase or decrease this Fee over time in its sole discretion. The Committee may direct the Applicant to cooperate with anyone reviewing the construction on behalf of the Committee. The Committee may reduce the Fee to not more than \$300.00 (as determined by the Committee) for less extensive structural work to existing Facilities. Ordinarily, repairs and general maintenance activities will not require an Application, nor Permit, nor the payment of Fees. Property owners are advised, however, to consult with the Committee in situations where there might be a difference of opinion on this matter and to proceed at their own risk if they fail to consult.

¹⁵ Any activity within the LSPOA leasehold that does not comply with the requirements established by these or subsequent Regulations of the LSPOA, Duke Power, or a governmental agency.

¹⁶ A fixed or floating Facility separate and apart from the primary Facility attached to a Waterfront Lot. (See Paragraph 6 regarding construction materials.)

¹⁷ A dollar amount paid by the Applicant to LSPOA to help offset LSPOA's costs for operating its lake management program.

- 10) A **Security Deposit**¹⁸ of \$1,500.00 shall accompany the Application. The Security Deposit, or any portion of it, may be retained by LSPOA in the event the Committee believes the letter or spirit of these Regulations has been violated. Unless so retained, the Committee will return any unused portion of this Security Deposit upon proof of a certificate of occupancy issued within 12 months from the date of the Application. The Committee may reduce the Security Deposit to not more than \$500.00 (as determined by the Committee) for less extensive structural work to existing Facilities. Ordinarily, repairs and general maintenance activities will not require an Application, nor Permit, nor the payment of a Security Deposit. Property owners are advised, however, to consult with the Committee in situations where there might be a difference of opinion on this matter and to proceed at their own risk if they fail to consult.
- 11) The construction of any Facility for which a Permit is issued must be completed as described in the approved Application and, within 12 months from the date of Application, approved by the Committee. Failure to comply with this requirement shall, unless said failure is excused by the Committee for good cause, result in forfeiture of the Security Deposit and may result in other sanctions as determined by the Committee.
- 12) By the method determined by the Committee, property lines will be projected onto Lake Summit. The Facility must be built within those projected lines and otherwise shall comply with these Regulations. (NOTE: In the event prior construction by adjoining property owners or peculiarities in the lake's shoreline cause, in the Committee's sole judgment, an extreme hardship, exceptions may be made to this rule. If a written release is received from the adjoining property owner, this will be an important factor in the Committee's decision.)
- 13) No portion of any Facility may be closer to the Applicant's property line than ten feet.
- 14) **Year 2002 Standard**¹⁹. Maximum allowed decking, covered, and enclosed areas, etc., for a new Facility or a Facility Replacement are as follows:

(SEE NEXT PAGE FOR CHART)

¹⁸ A dollar amount paid by the Applicant to LSPOA, some portion or all of which will be refunded if, in the sole judgment of LSPOA, the Applicant complies with all Regulations.

¹⁹ Except for the repair, reconstruction and/or replacement of Facilities existing on March 19, 2003, facilities constructed or rebuilt after March 19, 2003 may not exceed the maximum decking, covered, and enclosed areas set forth in these Shoreline Management Regulations and shall otherwise comply with these Regulations or their replacement. In the event a structure is destroyed or seriously damaged by casualty, the Committee may take this into account in the consideration of an Application for the repair or reconstruction of that Facility. A Facility that complies in all respects with these Regulations will be said to have complied with the Year 2002 Standard. This Year 2002 Standard may, from time to time, be modified or replaced by the LSPOA Board. Facilities existing on March 19, 2003 may be replaced or rebuilt in accordance with provisions of these Regulations found on page 10.

	Boat Size	Dimensions*
1 story Facility	2 or less	48' wide x 40' (measured from shore towards the lake), of which no more than 30' x 40' may be under roof.
2 story Facility	2 or less	1st level 40' wide x 40' (measured from shore towards the lake), of which no more than 30' x 40' may be under roof; 2nd level 30' x 40' maximum: 30' x 24' under roof, of which no more than 30' x 12' may be enclosed on four sides. The first level of a two-story Facility shall only be used for the storage of boats and recreational equipment.
*For Waterfront Lots having in excess of 145 feet of continuous frontage, additional amount of the first-floor decking, not under roof, may be allowed, provided that the additional decking shall not exceed 660 square feet and provided that, at no point, may the additional decking extend into the lake more than 30 feet, measured from the shoreline at full pond.		
Maximum building height shall be 25 feet above Full Pond Elevation ²⁰ .		

Existing Facilities may not be modified or enlarged to exceed these maximums, nor to otherwise violate the letter or spirit of these Regulations.

- 15) In coves, necks, indentations (as determined in the sole judgment of the Committee), or in the Green River, Facilities may not extend more than one-third the distance to the opposite shoreline as measured from the Full Pond Elevation. In such areas, the Committee may further constrain the size of Facilities when, in the judgment of the Committee, this action is in the best interests of the LSPOA and all landowners to be affected by the proposed structure. Sinks, toilets, septic tanks. Provided LSPOA is furnished proof, prior to construction commencing, of compliance with all health department permitting requirements, the Committee may allow a Facility to contain no more than two sinks and not more than one toilet. No indoor shower or tub is permitted. No other type of device which could cause any liquid or solid waste to be discharged into the lake is permitted. The Committee may modify this Paragraph or refuse to approve sinks, toilets, or septic tanks whenever it finds it to be in the best interests of the LSPOA or Duke Power. It is unlikely that sinks, toilets, or septic tanks will be permitted in instances where the Single Family Dwelling Lot does not have a habitable structure with sinks, toilets, and septic tanks.
- 16) All fixed Pier decking must be at least one foot above the Full Pond Elevation. Reflectors are recommended to be placed on the two furthest corners of all existing and new structures that extend into the water and along the sides of the structure from the end back toward the shore.
- 17) The Applicant shall agree in the Application as follows:

²⁰The elevation, measured in feet above mean sea level, of the top of the Lake Summit spillway. Presently this elevation is 2012.6 feet

- (a) That the Applicant freely and voluntarily elects to proceed under the LSPOA Shoreline Management Regulations, rather than the Guidelines or Regulations of Duke Power. (The Committee may, but shall not be required to, allow an Applicant who prefers not to proceed under these Regulations to proceed under the Duke Power Shoreline Management Guidelines. In such a situation, the LSPOA shall administer the Duke Power Shoreline Management Guidelines, which shall be strictly construed.)
- (b) That the Applicant agrees to be bound, now and in the future, by the Shoreline Management Regulations of the LSPOA, or their replacement, as they may from time to time be amended.
- (c) To insure the premises during construction for general liability, with such limits of coverage as set by LSPOA in the Application form, and with the policy to name LSPOA and Duke Power as additional named insureds, and shall furnish proof of said insurance with the Application.
- (d) To hold LSPOA and Duke Power harmless from any uninsured loss occasioned by the acts or omissions of the Applicant or any person or firm acting on his behalf.
- (e) That only an injunction is likely to allow the Committee and the LSPOA Board to enforce these rules, and the Applicant therefore consents in advance to the issuance of a temporary restraining order upon the affidavit of one or more LSPOA officers or one or more Committee members that they have cause to believe a rule or regulation of LSPOA or Duke Power, a law, an ordinance, or statute has been or is about to be broken.
- (f) In the event of violations of these Regulations, to reimburse the LSPOA for any attorneys fees, expert fees, costs and expenses incurred by the LSPOA, its Board or its Committee in the enforcement of these Regulations.
- (g) To include with the Application a plat of survey dated within 180 days of the date of the Application. The plat shall depict the corners of the Applicant's Single Family Dwelling Lot and of the Applicant's Waterfront Lot and shall depict the footprint of the proposed construction. When the construction is to take place during drawdown of the lake, after drawdown, the Applicant shall have the surveyor locate the corners of the proposed construction and mark same with pins. This shall be done prior to any footings work. At the same time, the Applicant shall arrange for the surveyor to install pins in the lake bed to mark the projected property lines to points beyond the footprint of the proposed construction.
- (h) To include with the Application drawings of the proposed Facility or construction activity in sufficient detail to apprise the Committee of the dimensions, appearance, construction details, materials, and colors proposed by the Applicant. (NOTE: The Applicant should not expect

approval for a structure, for materials, or for color(s) not in keeping with a traditional Lake Summit Boathouse²¹, as determined in the sole judgment of the Committee.) The Applicant shall agree not to change the dimensions, appearance, construction details, materials, or colors after completion of construction without prior written approval of the Committee.

- (i) That the Applicant has attached photocopies of the deed(s) to the Waterfront Lot and, if different, the deed(s) to the Single Family Dwelling Lot.
 - (j) To tie the Waterfront Lot to the Single Family Dwelling Lot by recordable document satisfactory to the Committee's attorney and agree in that document not to build any structure on the waterfront lot that is closer than 25 feet to the Facility for which the Application is submitted without the prior written permission of the Committee.
 - (k) To require his builder to exercise good housekeeping and to respect the rights and sensitivities of the members of the LSPOA and the adjoining owners. (NOTE: Should the Committee find it necessary to clean the site, the cost shall be paid by the Applicant.)
 - (l) To determine the name and address of the record owner(s) of the adjoining waterfront lots. A copy of the complete Application shall be sent by the Applicant to said owner(s) at Applicant's expense and proof of receipt shall be furnished to the Committee.
- 20) The Committee shall have the right to delay approval of any Application(s) for such time as the Committee requires in order to evaluate the Application or its impact on Lake Summit. The Committee may also delay approval of an Application should it find that these Regulations need modification or amendment to protect the interests of the LSPOA or Duke Power before action is taken on an Application. The Committee may also make temporary regulations which shall be binding and effective until such time as the LSPOA Board has considered whether to make the temporary regulation(s) permanent.

FACILITIES EXISTING ON MARCH 19, 2003.

There are existing Facilities constructed prior to adoption of these Regulations which are not compatible with the requirements as contained herein. These structures may be maintained though they do not conform with the enclosed Regulations. When it becomes necessary to replace an existing non-complying structure, this may be done, even though there is no Single Family Dwelling Lot attached to the Waterfront Lot, provided said rebuilt Facility otherwise complies with the Regulations in effect at the time

²¹ A non-floating, roofed structure with open or partially-closed sides and designed for watercraft storage and recreation. A Boathouse is a Facility.

of Facility Replacement. Regarding the size, design, and use of an existing Facility, in the event of a loss of such Facility due to casualty, or in the event the owner(s) elect(s) to replace it due to its age, obsolescence, or otherwise, said Facility may be rebuilt even though the Facility would not be in compliance with these Regulations; provided, however, the replacement Facility must be rebuilt so as to be no larger than the footprint dimensions of, no higher than the height of, and so that the shape and arrangement of the replacement Facility is the same as the Facility that it replaces. Modern materials and methods may be used in the construction of the Facility. The Facility may not be enlarged or modified in any respect that would cause the Facility to be further out of compliance with these Regulations. The intent is that a Facility can be replaced, using modern materials and methods. Should the owner(s) desire a different Facility, then such different Facility must fully comply with these Regulations.

CAUTION

There are some areas of the lake where Facilities may not be permitted because of environmental considerations, development patterns, physical lake characteristics, or other reasons.

LSPOA reserves the right to make alterations to these Regulations without prior notice.

CONSEQUENCES FOR VIOLATION

LSPOA or the Committee will issue **Stop or Take Action Directives**²² for any Violations that are detected on Lake Summit. Consequences for Violations will include one or more of the following:

- An order that all use of a Facility cease until the Committee is assured to its sole satisfaction that a Violation of Regulations has been or will be ceased.
- Loss of Security Deposits.
- Suspension or cancellation of approved Applications.
- Increases in Fees.
- Modification or removal of non-complying Facilities at the owner's expense.
- Loss of any consideration for future Applications.

²² In the event the Committee determines that a Facility requires attention as a result of lack of maintenance, damage, destruction, or otherwise, the Committee may elect to issue a Take Action Directive. In the event the Committee or any two members thereof, detects a violation of these Shoreline Management Regulations or the approved Application, a Stop Action Directive may be issued, which is a verbal or written statement directing an immediate halt to an activity within Lake Summit. Such directives are issued when any Violation of these Regulations is detected. Violations of a Stop or Take Action Directive will have negative consequences for the Applicant, and additional written authorization from the Committee is required before the activity can resume. The LSPOA Board shall also have the power to issue such a directive.

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Should the Committee issue a Stop or Take Action Directive, it will bring that action to the LSPOA Board at such time as the Board shall determine, and the Board shall either affirm, modify, or rescind the action of the Committee.

GLOSSARY

Applicant. Each and every record owner of the Waterfront Lot and Single Family Dwelling Lot. Each and every owner must sign the Application.

Application. LSPOA form prepared by the Committee upon which the Applicant describes and officially requests a given Lake Summit use. The Application must be signed by the owner, and if more than one owner, by each of the owners. By submitting an Application, the Applicant agrees to be bound by the LSPOA Shoreline Management Regulations and agrees to fully cooperate with the LSPOA.

Boathouse. A non-floating, roofed structure with open or partially-closed sides and designed for watercraft storage and recreation. A Boathouse is a Facility.

Committee. Committee, as used herein, shall refer to that group appointed by the Board of the LSPOA and designated as the Committee to administer the Shoreline Management Regulations. The Committee shall take all actions that it deems necessary to administer these Shoreline Management Regulations in the name of the LSPOA and/or Duke Power.

Dock/Pier. A Facility for temporarily mooring watercraft or providing other recreational access to Lake Summit (e.g. fishing). A Dock/Pier is a Facility.

Facility. Any object, post, pole, structure, combination of structures, or any other thing that the Committee determines to be a Facility, that exists within or is placed within the LSPOA leasehold (Lake Summit). No new Facility may be used for overnight habitation. A Facility must stand separate from any onshore structure, unless the Committee determines that the proposed Facility will result in less burden to Lake Summit than would a Facility built entirely over water.

Facility Replacement. Facility Replacement occurs when there is any construction activity that involves the removal and/or replacement and/or renovation of, or to, over 50 percent of an existing Facility, whether done at one time or over a period of time. Whether a Facility Replacement occurs is solely within the discretion of the Committee. In the event of a Facility Replacement, the resulting Facility may not exceed the maximum dimensions of the Year 2002 Standard or its replacement and shall otherwise comply with these Regulations, or their replacement, and shall be built to a smaller size if the Committee determines this to be in the best interests of the LSPOA.

Fee. A dollar amount paid by the Applicant to LSPOA to help offset LSPOA's costs for operating its lake management program.

Floating Dock. A floating platform permanently attached and immediately adjacent to a Boathouse for use by swimmers or for docking watercraft. A Floating Dock is a Facility. The Floating Dock's dimensions will be included within the dimensions of any approved Facility. (See Paragraph 6 regarding construction materials.)

Full Pond Elevation. The elevation, measured in feet above mean sea level, of the top of the Lake Summit spillway. Presently this elevation is 2012.6 feet.

Lake Summit. The area owned by Duke Power and under lease by Duke Power to LSPOA.

LSPOA. The Lake Summit Property Owners Association, Inc.

LSPOA Board. The Board of Directors of the LSPOA.

Permit. The written authorization from the Committee that is required prior to beginning any construction on or in LSPOA's leasehold (Lake Summit).

Private Access. Facilities that provide access to Lake Summit for any private type of use.

Ramp. An inclined structure extending from the shoreline into Lake Summit for the purpose of launching and retrieving watercraft. No Ramps built after 2000 without written approval of the LSPOA may exist.

Regulations. These 2002 Lake Summit Shoreline Management Regulations, and any amendments or replacements thereto. Should these Regulations cease to exist, "Regulations" shall mean the applicable Duke Power Shoreline Management Guidelines.

Security Deposit. A dollar amount paid by the Applicant to LSPOA, some portion or all of which will be refunded if, in the sole judgment of LSPOA, the Applicant complies with all Regulations.

Shoreline Management Regulations. The set of regulations from time to time adopted by the LSPOA Board and interpreted by the Committee.

Single Family Dwelling Lot. A lot of land upon which Henderson County Zoning ordinances permit the construction of a single family dwelling. Said lot must be located within the Waterfront Residential District zone surrounding Lake Summit and must be within a reasonable distance from the proposed Facility, as determined by the Committee. Ordinarily, the Applicant's Waterfront Lot must be contiguous to the Applicant's Single Family Dwelling Lot, as determined in the sole judgment of the Committee.

Stop or Take Action Directive. In the event the Committee determines that a Facility requires attention as a result of lack of maintenance, damage, destruction, or otherwise, the Committee may elect to issue a Take Action Directive. In the event the Committee or any two members thereof, detects a violation of these Shoreline Management Regulations or the approved Application, a Stop Action Directive may be issued, which is a verbal or written statement directing an immediate halt to an activity within Lake Summit. Such directives are issued when any Violation of these Regulations is detected. Violations of a Stop or Take Action Directive will have negative consequences for the Applicant, and additional written authorization from the Committee is required before the activity can resume. The LSPOA Board shall also have the power to issue such a directive.

Swim Platform. A fixed or floating Facility separate and apart from the primary Facility attached to a Waterfront Lot. (See Paragraph 6 regarding construction materials.)

Violation. Any activity within the LSPOA leasehold that does not comply with the requirements established by these or subsequent Regulations of the LSPOA, Duke Power, or a governmental agency.

Watercraft. A boat or personal watercraft that has been registered with the appropriate agency.

Waterfront Lot. A lot of land owned by the Applicant, having frontage on Lake Summit. The Committee may allow construction of a Facility, consistent with these Regulations, extending from such a lot provided the Applicant owns a Single Family Dwelling Lot and provided the Waterfront Lot is tied to the Single Family Dwelling Lot by recorded document, approved as to form by the attorney for the Committee, so that the Waterfront Lot may not be sold separate from the Single Family Dwelling Lot without the written consent of the Committee.

Year 2002 Standard. Except for the repair, reconstruction and/or replacement of Facilities existing on March 19, 2003, Facilities constructed or rebuilt after the date of recordation of these Regulations may not exceed the maximum decking, covered, and enclosed areas set forth in these Shoreline Management Regulations and shall otherwise comply with these Regulations or their replacement. In the event a structure is destroyed or seriously damaged by casualty, the Committee may take this into account in the consideration of an Application for the repair or reconstruction of that Facility. A Facility that complies in all respects with these Regulations will be said to have complied with the Year 2002 Standard. This Year 2002 Standard may, from time to time, be modified or replaced by the LSPOA Board. Facilities existing on March 19, 2003, may be replaced or rebuilt in accordance with provisions of these Regulations found on page 10 of the Regulations.

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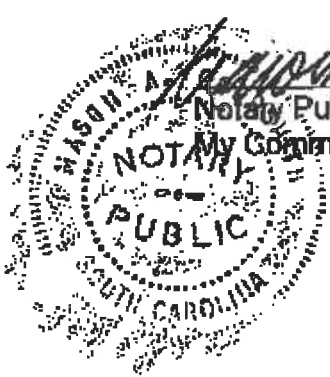
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Lake Summit Property Owners Association, Inc.

By: Reddick B. Still
Reddick B. Still
President

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

SWORN TO and subscribed before me
this 12 day of September, 2003.



William A. Smith
Notary Public for the state of South Carolina
My Commission Expires: January 30, 2013

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

I, MASON A. GOLDSMITH, certify that REDDICK B. STILL, III, personally came before me this day and acknowledged that he is President of The Lake Summit Property Owners' Association, Inc., a North Carolina non-profit corporation, and that he as President, being authorized to do so, executed the foregoing on behalf of the corporation

WITNESS my hand and seal, this the 12th day of September, 2009

My commission expires:

1/30/2013


Notary Public

