

BEACON POINTE CONSTRUCTION GUIDELINES AND APPROVAL PROCEDURES

I. GENERAL COVENANTS

A. Purpose:

The Amended and Restated Declaration ("Covenants") was created for the mutual benefit and protection of the property Owners of Beacon Pointe and these Construction Guidelines and Approval Procedures ("Guidelines") are an integral part of the Covenants and are hereby incorporated therein as amended from time to time. The Covenants among other things were established to provide a procedure to review all improvements to any Lot within the development. The diligent monitoring of improvements within the Beacon Pointe assures the homeowner that the integrity of the development will not be compromised. Therefore, the Amended and Restated Declaration, which governs the land use, has been adopted to ensure the quality of living within this planned residential development, as well as maintain the peaceful sylvan characteristics of the area. The unique features of the Lake of the Ozarks require careful preservation and the review process and guidelines for construction within Beacon Pointe are designed to balance these features within a development of superior quality residences. The Beacon Pointe Property Owners' Association, Inc. shall sometimes be referred to herein as the "Association" or "Beacon Pointe". The "Board" is the Board of Directors of the Association.

B. Review Board:

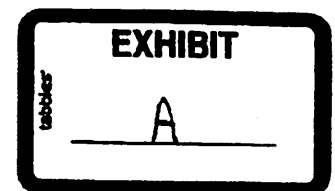
An Architectural Review Committee (the "Review Committee") will be appointed to administer the Guidelines. The Board may engage professional consultants in the form of architects, engineers, or other professionals to aid in the review of any such plans for construction which require approval by the Review Committee. A review and permit fee will be charged for each set of plans submitted for review. Approval of plans will be in the form of a permit for conspicuous display at any construction site and must be issued in connection with each construction project.

C. Design and Specifications:

1. General Information/Permit/Review Fees:

A minimum of one certified survey, two complete sets of floor plans, building elevations and specifications and two copies of site plans are required for submittal and review by the Review Committee. One (1) set of 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 (1) set of plans will be retained by the Review Committee for its files.

A review and permit fee should be paid at the time plans are submitted to the Board for review. These fees are for the purpose of determining the costs of administrative time, site inspections and review consultants. Fees are not refundable and shall be



made payable to Beacon Pointe. All fees are subject to change at any time by the Board. A current fee schedule is attached hereto and incorporated herein by this reference.

Any modifications or alterations from the approved plans must be resubmitted for approval.

The Applicant is responsible for the validity and accuracy of the plans submitted for review by the Review Committee. The Review Committee is not responsible for errors or omissions in the plans and specifications reviewed or approved. There are no variances granted at the site for any phase of construction. The approved plans become a valid binding contract between the Applicant and the Review Committee; therefore, it is necessary all proposed changes be supplied to, reviewed and approved by the Review Committee.

The plans should reflect all proposed improvements at scale. Construction details must be provided for review. Type of siding, roofing materials, color scheme, building materials, must be specified or may be provided at the time plans are submitted. The Review Committee may request a sample of any of the proposed building materials for the improvements. Color swatches of base and trim color must be submitted with plans.

A \$1,000.00 damage deposit must be posted for all new homes or projects that require heavy equipment within Beacon Pointe, at the time plans are submitted. Should there be damage from construction, the Review Committee will determine repair costs and the refund will be adjusted accordingly. All damage deposits will be returned to the titleholder of the property, regardless of who may have initially posted the damage deposit, upon completion of construction in accordance with these construction guidelines.

A copy of the estimate to correct the situation will be made to the Applicant and the Applicant will have the option to have the matter corrected in a manner satisfactory to the Review Committee. Make check payable to **Beacon Pointe damage deposit fund**.

If not resolved in a timely manner, the damage deposit will be forfeited and utilized to reclaim area, with an additional deposit bringing the total back to \$1,000.00 being supplied by the titleholder.

PRIOR TO ENGAGING A CONTRACTOR, ARCHITECT OR ENGINEER FOR ANY PLANNED CONSTRUCTION ON YOUR LOT OR BEGINNING ANY WORK ON YOUR LOT, IT IS ADVISABLE TO PROVIDE ANY SUCH PARTY WITH A COPY OF THESE GUIDELINES. COPIES MAY BE OBTAINED FROM THE ASSOCIATION.

2. Floor Plans:

Two copies of floor plans must be submitted to the Review Committee with floor area calculations shown. One copy will be retained for the Review Committee files and one copy will be returned to the Applicant. Floor plan must be accurate, must reflect the dimensions of the site plan, be to scale, 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. Said drawings shall accurately depict scaled dimensions, slopes, exterior materials, positioning of windows and shutters, guttering and downspouts, chimneys and vents, and facades.

3. Site Plan:

Two copies of the site plan are to be submitted. Site plans of insufficient detail will not be approved. All improvements must be incorporated into the site plan including, but not limited to:

- (a) Dimensions of the Lot, as referenced by accompanying survey;
- (b) Topography with contour elevations drawn accurately, in two foot (2') increments;
- (c) Building envelope noted, setbacks defined;
- (d) Structure, including garages, decks, patios, and courtyards depicted by a heavy, consistent line;
- (e) Roof line or overhang depicted by a broken line;
- (f) Square footage, entry level; lower and upper levels; total (square footage requirements are exclusive of decks, carports, garages, gazebos, porches, etc.);
- (g) Driveway location, dimensions, culvert location and size, and existing finish grade elevations;
- (h) Projected lot lines;
- (i) Copy of Ameren dock permits;
- (j) Seawall location, contour elevations, existing finish grade, and finish texture and materials, where applicable;
- (k) Trash enclosure location, size and dimensions;
- (l) Propane tank location, screening, flow line, where applicable;
- (m) Swimming pools, size and location, cross-section and elevations, and pump house (if included);
- (n) Proposed landscaping, retaining walls or terrace walls, plantings, boulders, etc.;
- (o) Playgrounds and/or pet confinement areas, where applicable;
- (p) Any retaining walls for support of driveway, elevations, and cross-section; and
- (q) Surface drainage paths, means of diverting, or channeling.

4. Square Footage:

Minimum square footage requirements for each lot classification of fully enclosed floor area devoted to living purposes of a single-family house (exclusive of porch areas, patios, decks, garages, terraces, and unfinished basements) shall be as follows:

Waterfront Lots	1800 square feet
Off Shore Lots	1500 square feet

Notes:

- (a) At least fifty percent (50%) of the required floor area shall be on the first floor of the house.
- (b) Lot classifications will be shown on the sales plats available from the Association. If any questions exist about the lot classification, the Review Committee will confirm the appropriate lot designation upon request.

5. Setbacks:

All construction must be contained within the building setbacks including all buildings, structures, decks, patios, driveways (except in the front yard setback), ramps, etc. The setbacks are determined using the following lateral distances from the surveyed property lines based upon the appropriate lot classification:

<u>Lot Classification</u>	<u>Roadside Setback</u>	<u>Lakeside Setback</u>	<u>Side Yard Setback</u>
WF	25 feet	30 feet	10 feet
Offshore	25 feet	Back 30 feet	10 feet

Notes:

- (a) Corner Lots shall use the front lot setback line on each street frontage.
- (b) On Lots classified as WF, the lake side setback shall be measured from the contour elevation of 662' above mean sea level.
- (c) Lots with a shallow depth or narrow width as compared to similar Lots with the same lot classification may be considered by the Review Committee to be an exception and the Review Committee may grant variances from the set back as the Review Committee deems appropriate.
- (d) The setbacks are not intended to preclude steps and sidewalks and consideration will be given to driveways encroaching on a side lot line.

6. Surveys:

A certified property survey and topography from a Missouri registered land surveyor must be submitted for construction. The survey must include the recorded

subdivision, existing roads, utility easements, property lines with dimensions and bearings, lot number and subdivision, 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. Pin location is to be marked to facilitate the necessary inspections. In order to clearly define the areas of activity, the property pins shall be string-lined for approval of the plans and for a pre-construction inspection.

A survey is required for all building improvements, seawalls, and landscaping unless property pins are in place and can be validated. If the property pins are in place and found, the Review Committee, in its discretion, waive the requirement of a survey for such improvements, provided the proposed improvements are clearly within the building envelope and not within the setbacks.

7. Elevations:

Determining grade elevations for proposed home construction is mandatory and must be signed and sealed by your civil engineer or surveyor. The contour elevations must be drawn accurately and to a noted scale, in no more than two feet (2') increments. Waterfront properties must locate the 658.5 and 662 contour elevations.

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:

Limited clearing may be approved for site preparation in accordance with tree removal guidelines. Except in the areas approved by the Review Committee for construction of buildings and other improvement, alteration of the existing grade is not allowed. All property lot lines are to be string-lined after the surveyor has established the property pins or the pins have been found. Failure to do so can 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 be erected around the tree. This “line” should follow the outermost branches of the tree as much as possible.

E. Rules and Regulations for Construction:

1. Dump truck and other vehicles transporting sand, gravel, top soil, fill, and any other material must be covered at all times. Any exposed load will result in a Stop Work Order being issued to the contractor/property Owner.
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 to accommodate the amount of rubbish for the Lot. An excessive amount of trash and debris left on a Lot for a period of seven (7) days shall be subject to a Stop Work Order.
3. Littering: Any driver, operator, or worker will be prosecuted to the fullest extent of the law for littering within Beacon Pointe.
4. All fires for the removal of trash and debris shall be attended to at all times, with appropriate means of extinguishing immediately available. All controlled burns must be approved by the Lake Ozark Fire Protection District’s Fire Marshall and advance notice of such burns given to the Board.
5. No fill, top soil, sand, gravel, or other materials shall be placed on the road, road right-of-way, common area, or adjoining property at any time without express permission from all affected parties. Failure to comply may result in a Stop Work Order being issued.
6. All construction equipment shall be parked on the Lot where construction is in process 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 time limits for each vehicle not to exceed one (1) hour. The roads or road right-of-way for Beacon Pointe may not be used for storage or staging of construction materials.
7. Washing out of cement trucks shall not occur in the road right-of-ways, ditches, or adjoining property or anywhere within Beacon Pointe except on the Owner’s property in a manner which will be unseen after construction is completed. Failure to properly dispose of washout may result in the contractor and/or property Owner being subject to a Stop Work Order. The cost for removing washout improperly dumped within Beacon Pointe will be borne by the contractor or property Owner, as determined by the Board or its designated representative.
8. 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 may subject any construction to a Stop Work Order until the restoration is completed in a manner satisfactory to the Review Committee or its designated representative.
10. Changes during the course of construction must be submitted prior to commencing with said changes. Failure to do so may result in the Review Committee taking appropriate action including a Stop Work Order.
11. A minimum twenty-four (24) hour advance notice is mandatory to schedule all inspections by the Review Committee or its representative. This does not infer the inspection will be completed within the twenty-four (24) hour notice time. All property pins 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.
12. All utility trenches will be back filled and cables buried.
13. Property pins intact.
14. The permit issued by the Review Committee must be conspicuously displayed on the Lot.

F. Variances:

A reasonable variance may be granted at the discretion of the Review Committee from the documented provisions of the Amended and Restated Declaration when in the Review Committee's opinion the granting thereof will not be materially detrimental or injurious to the Owners of other Lots.

G. Trash Enclosures:

Any improved home site developed in Beacon Pointe must store their trash container inside their residence/garage and may only place trash container(s) outside for a 24-hour period that begins the night before trash pickup. Owners must store their trash container inside their residence/garage for the remainder of the time or erect and maintain a trash enclosure meeting the design set by the Board at the roadside or adjacent to the residence/garage. Trash enclosures shall meet the specifications set by the Board and be located in such a manner as to minimize its visual impact. The Review Committee may require visual screening in the form of landscaping or other provisions so as to protect the visual integrity of the site from the road. Trash enclosures approved by the Board prior to the Amended and Restated Declaration will be grandfathered in until such time they need to be repaired or replaced.

In the event the occupants/Owners of said improved home site do not subscribe to a trash pickup service, then such occupants or Owners shall not place trash containers in public view for any reason.

H. Landscape:

Site plans presented to the Review Committee must include a landscape plan for all homes being built. 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, flag poles, light standards, sidewalks, and flumes. Property Owners are reminded that landscape maintenance is required in the Amended and Restated Declaration of Beacon Pointe.

I. Driveways & Culvert:

Plans must be submitted depicting driveway location with dimensions; culvert location and size; and existing finish grade elevations of driveway. Hard surface driveways are required for all homes.

All surface runoff must be confined to the limits of the Lot unless running directly into a natural drainage ditch, and 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 side yard setback. Curbing must not exceed six (6) inches in height above grade level. The driveway pavement must be the same elevation as 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 (15), and be of corrugated metal pipe 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.

J. Fences:

Plans must be submitted depicting location, dimensions, and type of fence proposed. No fence may be placed directly on a common lot line. Preferably all fences are to be within the building setback lines. If the purpose of the fence is for pet confinement, it is encouraged that electronic or "invisible fences" are installed. Privacy fences are not allowed. Decorative fences, rock wing walls, etc., which are primarily for landscaping or cosmetic purposes, must also be within the setback lines (unless a variance is approved by the Review Committee) and not located within the road right-of-way. Light posts of stone or brick must be low-profile and positioned using the same guidelines as decorative fences. Maintenance of such structures is the responsibility of the Owner of record.

K. Decks and Deck Railing:

The Review Committee has the authority to allow a deck to be located within the rear yard setback. To minimize the extent of the encroachment all other possible means of relocating the structure within the building setback lines and maintaining a minimum deck size must have been exhausted prior to requesting the Review Committee allow an encroachment. Enclosing decks within the rear yard setback is strictly prohibited. Enclosing under the decks may be considered.

All walking platforms including decks, above grade elevation, and as stipulated must be protected by a railing of some fashion. All construction details for railings must be submitted to the Review Committee for approval.

L. Swimming Pools:

All pools must be submitted on a site plan, with a cross-section noting elevations attached. The pool may be located within the rear yard setback with the approval of the Review Committee. The pool may not be located within the side yard setback, nor may any appurtenances thereof (i.e., pump house, deck, retaining walls, etc.). All decking, retaining walls, railings, etc. must be submitted to the Review Committee in accurate detail. Drainage of the pool may be discharged into the Lake of the Ozarks. A discharge permit is required by the Missouri Department of Natural Resources. Pool discharge may not be drained into the sanitary sewer system.

M. Signs:

The following signs are permitted on the property:

1. A builder sign not to exceed a total dimension of 24" x 24" which shall be allowed to be posted only for the duration of the initial building permit.
2. If applicable, a "for sale" sign meeting the criteria and specifications supplied by the Review Committee. This sign shall be removed upon transfer of the title to the house.
3. If applicable, an "open house" sign not to exceed 24" x 24" on its own post. This sign may be displayed only while the house is attended and held open.

All signs will be of a professional quality and may not be casually painted or printed. Signs are not permitted on any trees or other vegetation.

Signs which do not meet the above criteria, or which are, in the opinion of the Review Committee, not of the quality of Beacon Pointe shall be removed.

N. Fuel Storage Tanks:

1. Above Ground Storage:

Appropriate screening of any and all fuel storage tanks must be submitted to the Review Committee for review. The fuel storage tank must be screened so as to not be visible from any road, common area, or lake. This may be accomplished by physical enclosures, plantings, or berms.

2. **Underground Storage**

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

II. **REVIEW PROCESS**

A. **Review Committee Decision:**

Notice of the Review Committee's decision regarding approval or disapproval of plans will be sent to the applicant and Owner of record within thirty (30) days following submittal. Should plans be disapproved for any reason, the Review Committee shall provide an explanation for such disapproval.

B. **Outdoor Burning:**

The burning of trash, brush and unwanted building materials is allowed provided the Lake Ozark Fire Protection District has been notified and approved the burn. If during construction, the Review Committee must also approve any such burning, the Owner and/or contractor must provide the lot number, street address, and contractor at the time the burn request is made. **All fires must be attended to at all times, with adequate arrangements for immediately extinguishing the fire provided.** Any unattended fire is prohibited and may be subject to actions of the Review Committee and/or the fire district.

C. **Dredging and Work below 662 Contour:**

Should you desire to dredge below the 662 contour to allow more water depth for a dock or to improve the water frontage, it will be necessary that the Corps of Engineers issue a permit prior to review by the Review Committee. To contact the Corps of Engineers, write 700 Federal Building, 601 East 12th Street, Kansas City, MO 64106-2896, ATTN: MRKOD-P.

It is **MANDATORY** that Ameren UE approve all improvements lakeward of the 662 contour elevation, pursuant to their Federal license to regulate Bagnell Dam. You may contact Ameren UE, Real Estate Department at P.O. Box 66149, Code 700, St. Louis, MO 63166-6149 to obtain a copy of the application for Ameren UE and/or the Corps of Engineers must be forwarded to the Review Committee. Upon approval, a copy should be forwarded to the Review Committee for inclusion in the lot file.

A damage deposit will be required if the excavated material is to be removed from the site by land. If removed by barge, no damage deposit is necessary. A permit for the work must be obtained by the Review Committee, as will all improvements.

III. INSPECTION PROCEDURES

A. Overview:

During the construction process, the Review Committee will need to make inspections from time to time of the construction. Prior to the commencement of any construction project or the removal of any trees, there shall be a pre-construction inspection. Prior to the preconstruction inspection, the applicant will cause the property corner pins to be string-lined and all building corners and the outside dimensions of all improvements to be staked on the site so that the Review Committee or its representative can easily determine whether or not any part of the improvements will encroach on the building setback lines. The applicant will give three (3) days prior written notice to the Review Committee of its request for a pre-construction inspection and the Review Committee or its representative will attempt to accommodate the applicant's inspection request. The Review Committee or its representative may from time to time inspect the improvements to verify compliance with the approved plans and specifications and at any time the applicant or its contractor is uncertain as to whether improvements being made on the property are in compliance, can request an inspection by the Review Committee or its representative by giving twenty-four (24) hours' notice.

All inspections are to be scheduled during weekdays, except for holidays, unless otherwise agreed to by the Review Committee or its representative. Failure to allow sufficient time for scheduling the inspections may result in a delay of construction time. If possible, inspections will be completed so that delays do not occur. In the event a second inspection should be requested to avoid encroachment onto setback lines and the possibility of a requirement to remove such work. 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:

The Review Committee or its representatives has the right to enter any Lot or tract at any reasonable time for the purpose of inspection, maintenance and repair of any part of the sewage treatment system, or for the purpose of inspecting for possible violation of the provisions of Beacon Pointe restrictive covenants or other rules and guidelines contained in this manual. The right of entry is granted to the Board 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 Review Committee to provide security operation, maintenance or monitoring service.

C. Footing Inspections:

A footing inspection will be done to ensure that the construction is being performed as submitted to the Review Committee. No structural review will be inferred. Location will be the

only criterion used in 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 Review Committee may request a survey by a registered land surveyor of the State of Missouri to survey the foundation prior to pouring 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 Review Committee.

D. Final Inspection:

A final inspection will be completed at the time of construction completion of the approved plans, with results made available to the applicant. Additional inspections may be necessary after the final inspection is completed to determine whether any deficiencies are found upon the final inspection have been properly completed.

E. Corrective Action:

Failure to comply with the above rules and regulations may result in a course of action deemed necessary by the Review Committee to correct the violation as provided in the restrictive covenants. In the event a Stop Work Order is posted, all construction activity shall cease until the corrective action is completed, inspected and approved by the Review Committee.

IV. CONSTRUCTION ACTIVITY

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, or any road during the improvement process. All trash and debris must be disposed of in a proper receptacle. 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 (i.e., portable toilet facilities) be available on the construction site during the course of construction of a new residential structure.

V. COMMON AREAS

Areas designated as common, community, or access on the plat or plats recorded in Miller County, Missouri are to remain in a natural state and are maintained by the Association. These areas have been set aside for drainage, future common improvements or amenities, sanctuary for wildlife and to maintain the woodland characteristics of the development. It is not permissible to make any improvement to these areas. Clearing the underbrush, grading, graveling, or any other alteration is prohibited unless approval is received by the Review Committee. 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 Review Committee 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 Review Committee. All improvements will be of natural materials, walkways are to be serpentine in design, and no trees are to be removed unless approved by the Review Committee.

VI. TREES

A. The Review Committee and its representatives will review tree removal requests in a manner which takes the entire development into consideration, not just the individual Lot.

B. Tree removal is discouraged before actual development on a Lot. Removal before construction shall be limited to these trees which are diseased or in danger of failing and damaging property. All trees over five feet in height which are to be removed shall be pre-marked and pre-removal review will then be made by the Review Committee and only those trees marked in the same fashion as set forth in Section "C" below. Removal of any trees is prohibited without the approval of the Review Committee.

C. At the time of construction all trees over five feet in height which are to be removed shall be marked with a ribbon for inspection the Review Committee. Upon inspection by the Review Committee or its authorized representative, all trees approved for removal shall be marked with orange industrial marking in a location on the tree clearly visible from the street at the time of such inspection.

D. Trees to be removed should be limited to those trees located in footprints of construction, diseased trees, dead trees, and deformed trees.

E. Some thinning of trees may be allowed. 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 insect or nonfatal viruses and blights will not be a cause for removal.

F. Following construction, tree removal will be discouraged except for diseased or dead trees. Other tree removal will be limited only to those where a plan for tree replacement is included in the application and is approved by the Review Committee.

G. Tree removal due to severe wind or lightening damage will be exempt.

H. Tree removal during periods of dormancy is discouraged. It will be assumed the tree is alive and not to be removed unless it is obviously dead or severely damaged by natural events.

I. 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 cleanup of any trees on their Lot which are cut or which fall over.

J. If trees are removed without a permit, the Review Committee may at its sole discretion require the property Owner to replace any trees removed immediately with a nursery grade replacement.

K. Any tree removed without a permit will be considered to have been alive and healthy in determining rules for fees and replacement requirements. Any tree with a stump diameter of one inch or larger will be assumed to have been five feet in height.

L. 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 fire protection district and the Review Committee) chipping and mulching, or carrying off site to a location where permission to dispose has been obtained. If burned, all fires must be attended at all times with adequate arrangements for immediately extinguishing the fire. Failure to dispose of the cut material will be treated as a violation of the restrictive covenants which if not corrected after notice by the Review Committee, could result in the Review Committee removing such cut material at the expense of the property Owner.

VII LAKESIDE IMPROVEMENTS

A. Overview:

All docks, seawalls, swim platforms, piers, or similar structures lakeward of the 662 contour elevation must be approved by the Review Committee prior to construction, as outlined, and all appropriate permits from Ameren UE and Army Corps of Engineers must be obtained.

B. Docks:

Placements must be confined to the limits of the extended side lot lines lakeward (some Lots have more restrictive limits on the plat). Projection of the lot lines will define the available area for the dock, swim platform, and anchorage. The Review Committee will review each request on a case-by-case basis. In order to accurately assess the request, the Review Committee requires the submission of a cove plan depicting the location of docks on the adjacent Lots, the distance between the existing docks and the proposed dock, the distance across the cove must be included with the application. A copy of Ameren UE's completed application must be included with the submittal. The Review Committee will generally follow the guidelines in effect for Ameren UE. If a possibility exists that the dock may encroach over the extended lot lines, the Review Committee may require that the property Owner provide a survey by a registered surveyor in the State of Missouri to verify the dock's location within the lot lines projected Lakeward. The Applicant is responsible for all surveying expenses. Low water conditions should be considered when determining dock placement and ramp length. Unhinging the dock and moving it lakeward during the winter months is not permissible unless the relocation is pre-approved by Ameren UE and the Review Committee. No docks are allowed on undeveloped Lots. Side panels, awnings, curtains or other appurtenances which restrict views are not allowed on any dock.

Only those Lots with a classification as "Waterfront" or "WF" are entitled to the waterfront privileges such as a dock, seawall, etc. All other docks of any nature are prohibited excepting only docks installed on common areas owned by the Association for use by Lot Owners within the subdivision. Said common docks shall be the property of the Association and shall be leased only to Lot Owners upon such terms and conditions as the Board may from time to time establish. Said common docks shall be constructed and installed in accordance with the conditions

and specifications established by the Review Committee. No boat ramp may be constructed on any property without the approval of the Review Committee.

C. Seawalls:

Plans depicting the location and dimensions of the proposed seawall must be submitted and approved by the Review Committee and Ameren UE prior to construction. The footing may not extend lakeward below the 658.5 contour elevation, without Army Corps of Engineers approval. Should circumstances exist where the structure would be in violation of the 658.5 contour elevation, approval from the above agencies must accompany the request to the Review Committee. No footing may be poured until approval has been obtained. A cross section must be submitted noting the elevation of the footing and top of wall along with a site plan depicting the exact aerial location. Seawalls are to be installed as to blend as much as possible with preexisting walls and the Review Committee may require identical seawalls where it deems appropriate to maintain visual aesthetics from the lake. If a seawall already exists abutting the property in question, any subsequent seawalls are to match that wall in elevation and possibly design unless a special permit would be necessary. Footings for a sea wall may be checked by the Review Committee for accuracy to submitted plan. The installer is responsible for contacting the Review Committee prior to pouring of the seawall. The installer must provide the Review Committee with 24 hours' notice for footing inspections.

D. Decks on Seawalls:

If a proposed deck will extend Lakeward over the seawall, it is necessary to obtain a setback variance from the Review Committee and obtain approval from the U.S. Corps of Engineers and any other applicable authority. Construction details must be provided along with the appropriate side profile elevations.

VIII UTILITIES

A. Central Water and Sewer Systems:

Water and sewer service is provided by the City of Lake Ozark. Application for water and sewer connections shall be made to the City of Lake Ozark.

The central sewer system at Beacon Pointe is a pressurized sewer system and the property Owner will, at his or her cost, be required to put in a grinder pump and sewage sump pit at the time of construction of their home using a system specified by the City of Lake Ozark. The City of Lake Ozark can provide you with the details and specifications for the sewage grinder pump and pits. Once the sewer system is installed and completed, maintenance of the grinder pump shall become the responsibility of the City of Lake Ozark.

IV. COVENANTS RUNNING WITH THE LAND

The provisions of these Construction Guidelines and Approval Procedures shall affect and run with the land and shall be binding upon all properties described in the Amended and Restated

Declaration or any amendments thereto. These Construction Guidelines can be amended at any time by a majority vote of the Board of the Association; or at the request of sixty-seven percent (67%) of the Owners of property in Beacon Pointe in the manner required to effect such an amendment, as outlined in the Amended and Restated Declaration, or any amendments thereto; or by the affirmative majority vote of the Board of the Association.

VI. PROPERTY

The property covered by these guidelines is all that Land property encompassed within the Amended and Restated Declaration, which is incorporated therein by reference. Additional property may be made subject to the Indentures and Construction Guidelines upon designation by the Board of Directors of the Association in the manner established in said Amended and Restated Declaration.