[version July 14, 2025]

Flatwater Lake Homeowners Association, Inc.

Rules and Regulations of the Flatwater Lake Development Subdivision

All Flatwater Lake Homeowners Association, Inc. ("Association") members, owners, residents or occupiers of the Subdivision (or any new re-plats thereof) are responsible for ensuring that they and their guests understand and abide by the Rules and Regulations of the Flatwater Lake Development Subdivision. The Subdivision includes the following property: See Exhibit "A" attached hereto and incorporated herein by this reference.

Disregard for and abuse of these Rules and Regulations are grounds for suspension of privileges to use the lake or any other common facility.

These Rules and Regulations will only be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members.

These rules and regulations are designed to give Lot owners a common understanding for expected behavior and to help maintain a safe environment for all owners and guests. There will be times when an owner is exhibiting poor judgment and placing themselves or other owners, guests, and families at risk of harm, and yet not actually breaking any specific rule(s). Additionally, owners, from time to time, may break a rule without risk of harming anyone or causing problems to other owners. The Association's Board of Directors and all owners should take into account, when reporting infraction(s), whether infractions truly exhibit negligent behavior or are a technical violation of the rules and regulations. Additionally, it is assumed that owners will try to directly communicate observed violations and resolve minor grievances with other owners before taking these grievances to the Association Board of Directors.

The Association, or individuals acting under the authority of the Association, is not liable for any damage and/or injuries sustained while guests or residents are using the Association facilities or on Association property. Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Subdivision's Declaration filed on May 8, 2020, and any subsequent Amended and Restated Declaration of Covenants, or in the Association's Bylaws dated June 15, 2020, or any subsequent Amended Bylaws.

If a member of the Association wishes to report an observed violation of these Rules and Regulations, a written complaint should be filed with the Board of Directors. The complaint should include:

1. The date and time of the violation.
2. The nature of the violation.
3. The lot number and/or name of the violator, if known.
4. Evidence (photos, video, collaborative, etc.)

I. Guests and Safety

Each Owner has the sole responsibility for any damage or injury that their actions, family, guests, and/or contractors. All owners are required to obtain an umbrella liability policy with coverage of at least one million dollars ($1,000,000) naming the Association as an interested party.

II. Owner Responsibility

1. Each Owner has the sole responsibility for any damage or injury that their actions cause to other people or their property. This includes the Owner's family and/or guests.

2. Owner or any party using or occupying any part of the Association's lake or common facilities (any beach areas, boat ramp, shorelines or other common areas) must comply with the restrictions set forth in the Covenants (Declaration) as adopted or revised from time to time.

3. An Owner may request an exception to the Rules and Regulations or Covenants in writing to the Board of Directors. A decision will be rendered within 30 days of the written request.

4. Should any Owner's immediate family member, guest, or invitee, permit, authorize, or participate in any way in the violation of these Rules and Regulations, this may be grounds for revocation of the owner's rights and privileges to use the lake or any common facilities. In addition, privileges may be revoked until the set charge or Assessment has been paid and until a written application for reinstatement has been made to and approved by the Board of Directors of the Association. The Board of Directors shall issue Assessments and other punishments for any rule violations in their sole discretion and in the furtherance of the goals of the Subdivision and the enjoyment and safety of all. Punishments may include warnings, assessments, reprimands, loss of lake privileges, and for repeated and severe violations, revocation of a dock easement. Parties other than owners may be punished in any manner deemed appropriate by the Board of Directors, including temporary or complete revocation of all right to use or occupy the Lake or any common facilities. Any punishments issued by the Board of Directors may be overturned by a vote of the Association members as outlined in the Association's Bylaws.

III. Design Review Board (DRB) Reviews

1. Failing to receive approval from the DRB before adding or making changes to your lot, house, dock, or landscaping will result in a $500 Assessment for each offense. HOA may require the Owner to return addition/changes to prior condition at Owner's expense.

2. No hauling in of sand, gravel, or other materials shall be permitted without the prior approval of the DRB.

IV. Emergency NO WAKE Conditions

1. A high watermark will be established by the Lake Health Committee, at which the Board of Directors may send out a "No Wake" e-mail for the entire community. This is to protect homeowner's shoreline, retaining walls, seawalls, docks, and property.

Offense during 12-month period:
1st – Warning
2nd – $200 Assessment
3rd – $1,000 Assessment and Loss of Lake Access for one year

V. Law Enforcement

1. The Board of Directors reserve the right to hire off-duty police officers or invite law enforcement to monitor the lake activity at the discretion of the City, State, and/or Nebraska Game and Parks Rules and Regulations.

VI. Pools/Hot Tubs

1. Pools and hot tubs must not be drained into the lake. All drainage must go into the member's sanitary sewer connection. Violations will incur a $500 assessment per offense. Members must use a proper drain.

2. The City of Valley, NE, advises residents to discharge chlorinated pool water into the sanitary sewer system rather than into storm drains, streets, or neighbors' properties, as this is a violation of local, state, and federal regulations. To drain your pool into the sanitary sewer, locate the sewer clean-out on your property, which is typically a fourinch plastic cap between the home and the adjacent sewer main. Remove the cap and secure your drainage hose a few inches into the clean-out pipe, then pump the pool water into the sewer. Be cautious not to pump too quickly to avoid overwhelming your property's sewer lateral.

VII. Swimming

1. Swimming across the lake, or in the boat launching area is prohibited. Diving into the lake head first is strictly prohibited.

2. Scuba Diving is allowed only by special written permit from the Association. All scuba divers must use a flag while diving. All watercraft of any kind must stay 75 feet from this flag.

VIII. Noise and Pets

1. Noise rising to the level of a nuisance shall be prohibited. Per the City of Valley's Noise Ordinance, there will be no loud noise between 10:00 p.m. and 7:00 a.m. for residents

and 7:00 p.m. and 7:00 a.m. for operation of industrial equipment, heavy machinery, jackhammers or other construction equipment.

Offense during 12-month period:
1st – Warning
2nd – $100 Assessment
3rd – $200 Assessment

2. Public address systems and loud radios will not be tolerated after 10:00 p.m., and at all times consideration must be given to adjacent residences.

3. Pets must be under control at all times, be fully vaccinated, and shall be on a leash when not located and appropriately under control at their home Lot. Excessive barking, howling, and whining by dogs when outside will not be tolerated, and dog owners are required to take steps to prevent such behavior.

IX. Lake Rules – See Supplemental Rules from HOA for a detailed list of watercraft and lake rules.

1. All boats and watercraft shall be registered with the Flatwater Lake HOA. No boat or watercraft will be allowed to operate on Flatwater Lake without a boat registration sticker having been affixed to the watercraft. The registration sticker is a revocable permit, subject to the Watercraft Owner's compliance with lake use rules and boating regulations.

2. Wake surfing/Wake skating is NOT ALLOWED to help protect the shoreline and dock facilities.

Offense during 12-month period:
1st – $500 Assessment and Loss of Lake Use for 60 Days
2nd – $1,000 Assessment and Loss of Lake Use for 180 Days
3rd – Loss of Lake Use for one year

3. Wake enhancing devices are NOT ALLOWED on any watercraft used in Flatwater Lake. Wake enhancing devices include are but not limited to ballast systems, ballast bags, ballast tanks, fat sacs, wave shaping devices, wake gates, wave plates, diverter wedges, wave wedges, surf boats, wake setters or wake makes, wake enhancers, plumbed in ballasts, after-market sacs, lake wreckers, shore smashers, wake washers, etc. Additionally, passive wake enhancing devices are prohibited. Examples of passive devices are overfill of the rear boat with passengers, cinder blocks, sandbags, free weights, shot bags, weight displacement, etc.

Offense during 12-month period:
1st – $250 Assessment and loss of lake privileges for 3 months
2nd – $500 Assessment and loss of lake privileges for one year

4. The following restrictions on watercraft length apply. No pontoon boat length will exceed 24 feet. All other watercraft length will not exceed 21.5 feet in length.

5. Jet boats are NOT ALLOWED on Flatwater Lake.

6. If a "loss of lake access" Assessment is assessed, those days do not start counting down until all Assessment payments, HOA Dues, and any late fees have been paid in full.

7. All watercraft, motorized vehicles, or ATV/UTVs operating on the lake or any area within the Subdivision must comply with all applicable laws, Regulations, ordinances, and these Rules and Regulations and must be registered with the Association.

8. Placing motorized watercraft in the lake without preapproval; including, but not limited to: inspection, required display of HOA registration sticker, required display of state boat registration numbers, penalties, late fees, and HOA Fee paid in full.

   Offense during 12-month period:
   1st – $200 Assessment and Loss of Lake Use for 30 Days
   2nd – $500 Assessment and Loss of Lake Use for 180 Days
   3rd – $1,000 Assessment and Loss of Lake Use for one year

9. Allowing any guests to utilize or place their watercraft of any kind in the lake including inflatables, kayaks, canoes, paddleboards, etc. is not allowed to protect the lake from Zebra Mussels.

   Offense during 12-month period:
   1st – $500 Assessment and Loss of Lake Use for 60 Days
   2nd – $1,000 Assessment and Loss of Lake Use for 180 Days
   3rd – Loss of Lake Use for one year

10. General lake rule violations, unsafe activities during, but not limited to skiing, jet ski, tubers, wakeboards, speeding, skier flag, no wake zones.

    Offense during 12-month period:
    1st – Warning
    2nd – $200 Assessment
    3rd – $1,000 Assessment and Loss of Lake Use for 1 year

11. Do not repeatedly start Skiers, Wakeboarders, and Tubers in the narrow channel. If your person falls down in the narrow channel, and after one attempt to restart them fails, retrieve them from the water and move to another part of the lake to start up again.

    Offense during 12-month period:
    1st – Warning
    2nd – $50 Assessment
    3rd – $100 Assessment

12. Watercraft will be launched or removed from the lake ONLY at the Flatwater Lake Boat Ramp. Launching or removing any motorized watercraft anywhere other than boat ramp will result in Loss of Lake Use for 1 year and a $500 Assessment.

13. Gatekeepers will enforce the covenant and lake rules for splashing watercraft. Gatekeepers must have approval and confirmation from the board that all criteria has been met before permitting a Lot Owner access to the boat ramp. The Checklist of Criteria includes: 1) All dues, fees, and offense assessments are paid. 2) Lot Owner has confirmed they have read boat rules documents and they will comply with all rules and regulations. 3) Watercraft has a Flatwater Lake Boat Registration Sticker applied in the correct location. 4) Watercraft has a Nebraska Boat Registration Number applied in the correct location. 5) Watercraft has Flatwater Lake Lot Numbers applied in the correct location. 6) Zebra Mussel compliance has been met., When completed the gatekeepers will allow the watercraft to be splashed. Residents will give 48 hour notice to request a gatekeeper to open the boat ramp gate.

14. Residents removing boats or jet skis from the lake for repair work will request a gatekeeper to tether the watercraft to the trailer. If the watercraft is not tethered to the trailer, zebra mussel protocols will be observed. The watercraft will be in certified drydock for 14 days or a certified hot water (hotsy) power wash will be done.

15. Lot Number Stickers are required on all motorized watercraft and strongly encouraged on all floating property. On all motorized watercraft, Lot Number Stickers shall be at least 3" tall and displayed on both the starboard side and port side. An annual Flatwater Lake Boat Registration Sticker must be purchased and displayed on the starboard side of all motorized watercraft. Due to motorized watercraft configurations, exceptions to placement may be granted by the board.

16. Boat lengths are restricted. Boat lengths for pontoon boats will not exceed 24 feet. Boat lengths for all other boats (fishing boats, runabouts, ski boats) will not exceed 21.5 feet.

17. Fishing in Flatwater Lake will be governed by the Nebraska Game and Parks Rules and Regulations.

18. No feeding of migratory geese or waterfowl is allowed.

X. Miscellaneous Rules

1. S2 Rolloffs and Refuse is the only trash pick-up service allowed in Flatwater Lake. The Board of Directors will request bids from two to three trash haulers every one to two years and contract the lowest bid or best fit for Flatwater Lake. The reason is to eliminate the number of heavy trucks driving through the neighborhood. Any Owner using another trash hauler will be asked to change to S2 Rolloffs and Refuse.

2. Hunting is not allowed at Flatwater Lake.

3. Automobiles, UTV's, ATV's with at least four wheels, are allowed on the roads and other Association property. All other motorized vehicles and snowmobiles are prohibited. Automobiles, UTVs and ATV's must be properly licensed and registered under all applicable laws, and UTV/ATV's must display a 3" Lot number prominently on the bumper.

4. Repair of any boats, automobiles, motorcycles, trucks, or other vehicles between 8:00 p.m. and 6:00 a.m. shall be prohibited. Boats, trailers, or broken down vehicles, etc. shall not be visibly stored, parked, or abandoned on any Lot or driveway.

   a. Maximum 1 week for any trailers (with or without watercraft) to be on homeowner's lot or driveway; two weeks if a watercraft is tethered to the trailer to dry off for protection from Zebra Mussels.

   b. The City of Valley has a law that personal trailers are not to be parked on the street at any time.

   Offense per Item improperly stored during 12-month period:
   1st – $50 Assessment
   2nd – $100 Assessment every 30 days

5. Construction of all residences is to be started within eighteen (18) months of the date that the Lot was purchased. The Declarant retains the sole and exclusive right to grant extensions of this time-to-build restriction in writing. Once construction starts on a Lot, the construction process must be completed within twelve (12) months. If a Lot Owner fails to construct their residence within the approved time-to-build restriction, the Association shall have the right to suspend said Lot Owner's access to the lake and other common areas until the Lot Owner has substantially completed construction of their residence. Manufactured homes or other pre-made, not site constructed homes will likely be rejected by the DRB.

   Offense
   Loss of Lake Use for motorized watercraft until foundation is started.

6. Motorized vehicle speed limit is 25 MPH in the Flatwater Lake Development Subdivision. This speed limit applies to all vehicles on all roads AND also applies to all vehicles offroad in any common areas. Loud vehicles are not permitted and stock mufflers (read: quiet) are required. At no time, should these vehicles be used in a manner that creates excessive noise or is a hazard to residents. Motorized vehicles traveling on Flatwater Lake Development Subdivision need to be aware that nonmotorized forms of travel (walkers, runners, bikers, roller-bladers, etc.) utilize the roads and common areas day and night. Those operating motorized vehicles should be courteous and ever vigilant of these folks on the Property.

7. Headlights and taillights must be operational after dark on all motorized vehicles. Discretion should be used when operating these vehicles at night. Those operating motorized vehicles after dark should be courteous and make sure they are operating their vehicles in the safest and quietest manner possible.

8. Lots and lawns must be maintained and weed controlled prior to, during, and after construction. Lawns will not be permitted within 10 feet of the lake. Lawns are encouraged on the front and side yards, but only Zero Phosphorus fertilizers will be appropriate for use in a Lake environment for lawns, shrubs, trees, and/or flower beds.

9. Camping shall only be allowed for the period of times permitted in the Association's Declaration, or as approved on a case-by-case basis by the Board.

10. All personal signs such as "garage sales," "birthday party," etc., must be removed within 24 hours of the event. No signs shall be erected on any common area or other Association property without the prior approval of the Board.

XI. Amendment

These Rules and Regulations shall be binding on all owners and any person or entity using the lake or any other common facility, and may be changed or amended by a written majority vote of the entire membership as provided for in the Association's Bylaws. The number of votes which each Lot owner is entitled to is as set forth in the Declaration and the Association's Articles of Incorporation. The Board shall have the authority to propose rules and regulations that serve the best interests of the Owners, even if such rules are not explicitly stated herein. However, no new rule or regulation shall take effect, nor shall any Owner be subject to discipline under it, until the proposed rule or regulation has been approved by a majority vote of the Owners present at a regular or special meeting of the members, by a vote of a majority of a quorum, and the Owners have been formally notified of its adoption. Notwithstanding the foregoing, the Declarant shall have the right to also amend these Rules and Regulations for five (5) years following the filing of the Declaration.

IN WITNESS WHEREOF, the Association has caused these to be executed and adopted this 14th day of July, 2025.

FLATWATER LAKE HOMEOWNERS ASSOCIATION, INC., a Nebraska nonprofit corporation

By: Flatwater Lake HOA Board

Exhibit “A”

Lots 3 through 14, Flatwater Development Addition Replat 1, being a replatting of Lots 3 through 14, all in Flatwater Development Addition, City of Valley, Douglas County, Nebraska.

Lot 1, Flatwater Development Addition Replat 2, being a replatting of Lots 15 through 16, all in Flatwater Development Addition, City of Valley, Douglas County, Nebraska.

Lots 1 and Outlot A, Flatwater Development Addition Replat 3, being a replatting of Lots 1 through 2 from Replat 1, all in Flatwater Development Addition, City of Valley, Douglas County, Nebraska.

Lots 17 through 84, and Outlots A, B and C, Flatwater Lake Development 2nd Addition, being a part of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4), the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4), the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), and in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4), All in Section 36, Township 16 North, Range 9 East of the 6th P.M., in Douglas County, Nebraska.

Lots 85 through 131, and Outlot D, Flatwater Lake Development 3rd Addition, being a part of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4), the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), and the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4), All in Section 36, Township 16 North, Range 9 East of the 6th P.M., in Douglas County, Nebraska.