

FIREFLY COVE PROPERTY OWNERS ASSOCIATION CANOE/KAYAK/PADDLE BOARD STORAGE RACK REGULATIONS

The Firefly Cove Canoe/Kayak/Paddle Board Storage Rack is set aside by the Firefly Cove POA for use as a canoe/kayak/paddle board storage area for the property owners of Firefly Cove.

The Firefly Cove Canoe/Kayak/Paddle Board Storage Rack is managed by the Firefly Cove POA Board under authority granted pursuant to the Firefly Cove By-Laws.

The Firefly Cove POA has 10 storage spaces. The Firefly Cove POA Board has set aside 5 storage spaces for the use of 1 POA owned double kayak, 2 POA owned single kayaks, and 2 POA owned paddle boards and 5 storage spaces for the use of Eligible Firefly Cove Property Owners.

DEFINITIONS

Secretary: Firefly Cove POA Board Secretary or another Board member as designated by the *Board* President in the absence of the Board Secretary

Eligible Property Owner: a property owner who is in good standing with the Firefly Cove POA (i.e. paid to date association assessments and any other fees and/or assessments) and does not own a lakefront lot or have use of a single-user boat slip.

Storage Space: a space located on the canoe/kayak/paddle board storage rack

STORAGE SPACE ASSIGNMENT GUIDELINES

Section 1

The following are guidelines, which the Firefly Cove POA Board will apply in allocating the use of the 5 storage spaces by the Firefly Cove Property Owners. While every situation cannot possibly be addressed, the Firefly Cove POA Board will use its best efforts to be as fair as possible in resolving any situations not specifically addressed below. In this regard, we would hope that eligible property owners would act to meet the intention of these guidelines, which are as follows:

- 1.1 Existing storage spaces, and any expansion or reduction thereof, is strictly limited to the provisions promulgated by the Firefly Cove POA Board from time to time.
- 1.2 In accordance with the benefits of a storage space, allotment will be strictly on a seniority basis for all eligible property owners. If there are no storage spaces available, a Firefly Cove Storage Space Seniority List for Storage Area (Seniority List) will be kept for those eligible property owners who are interested in using a storage space.
- 1.3 All storage space assignments will be determined by the eligible property owner's position on the Seniority List. The seniority list contains current storage space position, available storage space (if any) and a waiting list.

Note: If a Storage Space is still available after the use of the Seniority List, the Secretary may assign a Storage Space to any property owner, including lakefront lot owners and property owners that have the use of a single-user boat slip, until the end of the calendar year. The user of this Storage Space shall follow the Firefly Cove Property Owners Association Canoe/Kayak/Paddle Board Storage Rack Regulations but shall not be assured the assignment of a Storage Space the following year.

- 1.4 If an eligible property owner on the Seniority List refuses a storage space offered to them by the Firefly Cove POA Board, then that eligible property owner's name will be moved to the bottom of the Seniority List.
- 1.5 If an eligible property owner on the Seniority List should pass away, that persons' Seniority List position may be transferred to the direct lineal heirs of that homeowner's property, but not to any third party purchaser from the estate of the deceased.

STORAGE SPACE RENEWAL GUIDELINES

Section 2

On or about March 1 of each year, the eligible property owners who were granted a storage space the previous calendar year will be notified of the opportunity to renew their storage space. A deadline for renewal of April 1 of each calendar year is hereby established, and by such deadline, the Secretary must have received a written renewal (electronic correspondence, facsimile correspondence, or confirmation that the Firefly Cove POA Annual Renewal Fee has been paid and will be treated the same as an original). The following guidelines will be used for Storage Space assignment renewal of each calendar year:

- 2.1 Eligible property owners who were assigned a Storage Space the previous year will be able to assure themselves of that assignment for the forthcoming year by notifying the Secretary their intent to renew by April 1.
- 2.2 The property owner must provide to the Secretary a copy of the Lake Lure boat permit for the current year.
- 2.3 The annual renewal fee as determined by the Board must be paid each year by April 1 if the property owner wants to retain the right to use a Storage Space. Failure to remit the annual fee to the POA by April 1 shall result in suspension of the property owner's right to use the assigned storage space, and failure to remit the annual fee to the POA by April 15 shall result in termination of the property owner's right to use the assigned storage space and being dropped to the bottom of the Seniority List.

STORAGE SPACE ASSIGNMENT GUIDELINES

SECTION 3

The following guidelines will be used for new Storage Space assignments:

- 3.1 Upon availability, eligible property owners who were not previously assigned a Storage Space will be assigned according to their seniority on the Seniority List maintained by the Secretary.
- 3.2 An eligible property owner's seniority on the list is established by the date that they contact the Secretary. If more than one property owner contacts the Secretary on the same date to be placed on the eligible property owner's seniority list, the seniority will be established by which eligible property owner has owned their property in Firefly Cove longer as determined by the closing date of the purchase of their property in Firefly Cove. Additions to the Seniority List can be made at any time by writing, calling, or e-mailing the Secretary. An eligible property owner is not required to own a canoe/kayak/paddle board in order to be placed on the Seniority List. It is the eligible property owner's responsibility to ensure their contact information is correct and on the list.

- 3.3 When an opening on the Seniority List for a Storage Space occurs the following procedure will be followed:
- a. Open Storage Space as set forth in the Firefly Cove canoe/kayak/paddle board rack will be assigned based on the eligible property owner's seniority on the Seniority List.
 - b. If selected for a Storage Space the eligible property owner must provide a copy of their Lake Lure boat permit within 45 days of notification from the Secretary or they will lose the right to the Storage Space and their seniority position on the Seniority List. They will be dropped to the bottom of the list.
 - c. A non-refundable annual fee as determined by the Board in Section 2.3 shall be paid to the POA by the property owner within thirty (30) days after notice of assignment of a Storage Space from the Secretary. Failure to remit the annual fee to the POA within thirty (30) days shall result in suspension of the property owner's right to use the assigned Storage Space, and failure to remit the annual fee to the POA within forty five (45) days shall result in termination of the property owner's right to use the assigned Storage Space and being dropped to the bottom of the Seniority List.
 - d. Eligible property owners who turn down the offer of a Storage Space will not retain their seniority position on the Seniority List. They will be dropped to the bottom of the list.

STORAGE SPACE REGULATIONS
SECTION 4

- 4.1 No eligible property owner may assign or sublet a Storage Space, nor offer his/her allotted Storage Space for lease, whether separately, or in connection with the sale of his/her boat or in connection with the sale/rental of his/her property located in Firefly Cove.
- 4.2 If an eligible property owner determines they want to relinquish their Storage Space, they will be removed from the Seniority List.
- 4.3 No eligible property owner may be assigned more than one Storage Space.
- 4.4 A property owner of a Firefly Cove lakefront lot or the property owner that has a use of a single-user boat slop will not be allowed to have a POA Storage Space with the exception as described in Section 1.3.

- 4.5 All Storage Space boat owners and operators should be familiar with, and practice the watercraft rules of, the State of North Carolina and the Town of Lake Lure.
- 4.6 The Firefly Cove POA Board reserves the right to revoke an eligible property owner's assignment of Storage Space if the boat assigned to that Storage Space is, as determined by the Firefly Cove POA Board, considered an eyesore or nuisance to the community.
- 4.7 The Firefly Cove POA Board reserves the right to revoke an eligible property owner's assignment of a Storage Space if the boat assigned to that Storage Space is, at any time, operated in an unsafe manner or violates the laws of the State of North Carolina, the Town of Lake Lure, or any specific rules established by the Firefly Cove POA Board.
- 4.8 The Secretary will, from time to time, verify that the water craft occupying the Storage Spaces are titled/registered to the individual assigned a space. The Firefly Cove POA Board reserves the right to revoke the assigned Storage Space if it determines that this provision has been violated.
- 4.9 Eligible property owners that have the use of a Storage Space may, at their option, make their Storage Space available as a temporary Storage Space by contacting the Secretary with the weeks of availability.
- 4.10 Use of the Storage Space is reserved for all property owners in good standing, (i.e. paid to date association assessments and any other fees and/or assessments). If a property owner in Firefly Cove is not in good standing with the Firefly Cove POA and is on the Seniority List, the Firefly Cove POA Board will remove this property owner from the waiting list. The Firefly Cove POA Board will not add this property owner back to the Seniority List until the property owner is again in good standing. The Firefly Cove POA Board will then add this property owner back to the bottom of the waiting list.
- 4.11 Any user of a Storage Space whose watercraft causes damage to the Firefly Cove Storage Space or the Firefly Cove dock is responsible for the costs for the repairs. The Firefly Cove POA Board will select the repair company and coordinate the repairs. Once the repairs have been made a letter and a copy of the repair bill will be sent to the property owner and the property owner will have 30 Days to reimburse the Firefly Cove POA. If the bill is not paid within 30 Days, the property owner will be considered not in good standing and the Firefly Cove POA Board will revoke their Storage Space. At this time the Firefly Cove POA Board will also assess the cost of the repairs to the offending property owner's lot for the reimbursement amount. This property owner will not be eligible for a Storage Space again for 1 full calendar year after the repair bill is paid. The offending property owner will also go to the bottom of the Seniority List and lose all seniority associated with the Seniority List.

- 4.12 A Firefly Cove Storage Space is not deeded property and cannot be transferred upon the sale of a property owner's lot, condo or improved property. Upon the sale of a lot, condo or improved property to a purchaser, the seller will be removed from the Seniority List unless the seller retains ownership of at least one non-lakefront lot or condominium within Firefly Cove after the sale.
- 4.13 The Firefly Cove POA Board shall be responsible for making recommendations for any expansion of the Storage Space and expansion or reduction of the Storage Spaces and may consider all factors, including but not limited to usage by eligible property owners, available funds, shoreline available, zoning compliance, and Town of Lake Lure restrictions and/or approval.
- 4.14 A copy of the Seniority List is available from the Secretary upon request.
- 4.15 The Firefly Cove POA Board has sole authority for any and all decisions regarding the use of the Firefly Cove dock/boat slips. The Firefly Cove POA Board reserves the right to suspend or revoke any property owner's use of the Firefly Cove Storage Space for failure to follow the FIREFLY COVE PROPERTY OWNERS ASSOCIATION CANOE/KAYAK/PADDLE BOARD STORAGE RACK REGULATIONS or the rules and regulations outlined in the Declaration of Covenants, Restrictions, Easements, Reservations, Terms and Conditions Governing Firefly Cove and the By-Laws of the Firefly Cove Property Owners Association.