

Amended And Restated
Land Use Restrictions, Protective Covenants,
And Building Standards
For the Community of Sandy Beach

This amendment, made this 22nd day of July, 2007, to the Land Use Restrictions, Protective Covenants, and Building Standards for the Community of Sandy Beach is made by the Sandy Beach Property Owners Association, Inc., a Delaware Corporation, successor to Bonard B. Timmons Jr., Successor to Dogwood, Inc.

Whereas, Land Use Restrictions, Protective Covenants, and Building Standards for Sandy Beach, made and filed by Dogwood Inc., in the Recorder of Deeds Office in Georgetown, Sussex County, Delaware in Deed book 659, page 172. and

Whereas, an amendment to the above referenced Restrictions, made by Bonard B. Timmons, Jr., in accordance with Article 10, Section C, of said restrictions is filed in the Office of the Recorder of Deeds, in Georgetown, Sussex County, Delaware, in Deed book 1611, Page 109.

Now, therefore, in accordance with Section 2 of the above referenced Amendment the Sandy Beach Property Owners Association, Inc. hereby amends the Land Use Restrictions, Protective Covenants, and Building Standards for Sandy Beach, herein referred to as the "Restrictions", by retaining the title, deleting all Chapters, Sections, and Paragraphs therein contained, and inserting the following:

CHAPTER 1

Section 1. Purpose and Intent

The Restrictions, Covenants, and Buildings Standards set forth herein are made for the mutual and reciprocal benefit of all properties within Sandy Beach. They are intended to create, assure, and guarantee mutual and equitable servitudes upon all Lots and properties in favor of each Lot and all other properties therein. This will create, assure, and guarantee reciprocal and equal rights among the respective owners of all Lots and properties; and are to be construed to, and shall, operate as covenants for the benefit of each and all properties in Sandy Beach.

Section 2. Applicability

The Restrictions, Covenants and Standards shall apply to all private and community properties, including all those located in Sandy Beach, and to all members.

220 Prepared July 22, 2007 by Linda Reilly
Sandy Beach Dr. Dagsboro, De. 19939
Deed book 02321, page-125
Tax par. # 2.33-6 2.3.67-7.1-7.7 143-200

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Section 3. Duration of Restrictions

These restrictions shall run with the Land in perpetuity and be binding upon all Owners of Record of property, their successors and assigns, and all members, and guests of members, of the Association.

Section 4. Administration and Enforcement

Property Owner will be notified by a Certified/Return Receipt letter from the Board of Directors of non-compliance of any Land Use Restriction, Covenant, or Building Standard. If the Property Owner does not correct the non-compliance within 30 days of issue of said letter, the Board of Directors has the right to have the non-compliant issue corrected. Any expense and/or legal fees incurred will be the responsibility of the Property Owner.

Section 5. Assessments

- A) Each owner of Record of property located within Sandy Beach shall pay to the Association a yearly charge or assessment. This will be presented by the Board of Directors, approved by ballot by a majority of the members entitled to vote, at the annual Meeting, and shown in the approved Annual Budget. The assessment will provide a permanent fund to maintain and improve the Community Property and Streets within Sandy Beach.
- B. The above stated charge or assessment shall be assessed on each Lot of Record as shown on the Plat filed in the Office of the Recorder of Deeds, Georgetown, Sussex County, Delaware, in Plat Book 8, Page 920. Future alterations in existing property lines notwithstanding and in cases where an Owner of Record owns more than one Lot, as shown on the above referenced Plat, such Owner shall be assessed for each Lot separately

CHAPTER II

- Definitions
- Board of Directors: The duly elected administration body of the Sandy Beach Property Owners Association, Inc.; herein referred to as the "Board".
- Building Accessory: A building, constructed and located on a lot in accordance with the requirements of these restrictions, the purpose and use of which is accessory to the use of the principal building located on the same Lot.

- Building Line:** A line within a Lot which establishes the minimum distance that a building located on that Lot shall be from the property line.
- Building, Principal:** A building, constructed and located on a Lot in accordance with these Restrictions, the purpose, use and occupancy of which is residential.
- Community Property:** The property shown and designated as Community Property on the Plat of Sandy Beach filed in the Office of the Recorder of Deeds in Georgetown, Sussex County, Delaware in Plat Book 8, Page 920.
- Fence:** A vertical structure surrounding, or partly surrounding, an open area.
- Garage:** A structure designed to contain a vehicle or a boat. A garage may not exceed the height of the principal building on the same Lot. A garage may be attached or unattached.
- Living Area:** The enclosed area within a residential building that is heated and/or air conditioned.
- Official Plat:** The current geographical Plat filed in the Office of the Recorder of Deeds in Georgetown, Sussex County, Delaware.
- Private Property:** For the purpose of these Restrictions, a numbered Lot within Sandy Beach.
- Sandy Beach Property Owners Association Inc.:** A Delaware Corporation, authorized and described in the Certificate of Incorporation filed in the Office of the Secretary of State on November 16, 1998 and in the Office of the Recorder of Deeds in Georgetown, Sussex County, Delaware, in Book 251, Page 237, herein referred to as the "Association".
- Streets:** The property shown and designated as Pebble Drive and Sandy Beach Drive on the Plat filed in the Office of the Recorder of Deeds in Georgetown, Sussex County, Delaware in Plat Book 8, Page 920.
- Yard, Front:** The area of a Lot between the front property line and the front building line, and from side property line to side property line.

Yard, Rear: The area of a Lot between the rear property line and the rear building line, and from side property line to side property line.

Yard, Side: The two (2) areas of a Lot bordered by the side property line, the side building line, the rear front yard line and the front rear yard line.

CHAPTER III

1. No commercial activity shall be permitted within the community which negatively impacts the tranquility of the community, i.e.; creates an unsatisfactory appearance or violates any other section of these Restrictions and Covenants.
2. Fuel storage tanks shall be located within the rear yard area of a Lot and shall not be less than fifteen (15) feet from any property line.
3. No unregistered or not presentable motor vehicle shall be parked or stored on any Lot, i.e.: car without wheels, car on jack, etc.
4. Outside clothes lines shall be located within the rear yard area of any Lot. Lot # A6, is excluded from this restriction (grand-father clause).
5. Exhibit buildings or structures shall not be located on any private or community property.
6. Mobile homes shall not be permitted or located on any private or community property.
7. No vehicle or trailer of any kind, mobile or immobile, temporary or permanent, shall be used for human habitation. This includes, but is not limited to, recreational vehicles (RV's) and campers.
8. Any building or structure that is destroyed or damaged in whole, or in part by fire, windstorm, act of God, or any other cause, shall be restored or rebuilt, in accordance with these Restrictions, to the condition existing prior to such destruction or damage. Otherwise, building or structure must be completely removed from the Lot within 365 consecutive days from the date of the destruction or damage.

9. No property line, as shown on the official Plat, shall be removed, altered or changed in any manner. No new property line may be added unless authorized in writing by the Board.
10. No firearms shall be discharged from any property.
11. Dogs and other animals (excluding cats) shall be on a leash or under the direct physical control of owner when not on owner's private property. All pet owners (including cats) are required by Delaware State Law to vaccinate animals for rabies and other contagious diseases. The Board of Directors may require a pet owner to produce a valid health certification. If a current certification is not produced, pet owners will have 48 hours to show compliance or the animal(s) in question may be impounded
12. No Lot shall be filled or graded in any manner so as to result in drainage water from that Lot entering upon an abutting Lot.
13. Minimum building setback lines shall be measured from the perimeter property lines of a Lot and shall be as follows:
 14.

<u>Principal Building</u>	<u>Accessory Building</u>
Front - 30 Feet	Rear - 5 feet
Rear - 20 Feet	Side - 5 Feet
Side - 10 Feet	
15. Television antennas, including but not limited to, tower and satellite antennas, shall not be located within the front yard area of a lot.
16. Fencing plans and permits shall be submitted to the Board of Directors prior to installation. Plans will include: Property survey, intended contractor, type of material to be used. Approved materials will include: Chain link, post and rail, slat board, picket. All fencing maintenance is the responsibility of the property owner.
 - i. Fencing front: Front yard is defined as that area adjacent to the street. Front fencing is considered to be that area extending from the community property adjacent to the street, extending to the abutting property and ending at the front left and right corners of the dwelling. Front fencing shall not exceed four feet in height.

- ii. Fencing side: Side yard is defined as that area extending from the front right and left corners of the house to the rear property line. Side fencing, is considered to be that area from the front corner(s) of the house to the rear property line. Side fencing may not exceed eight feet (8') in height. Side fencing must either connect to the adjacent property owners' fencing or remain inside the property line.
 - iii Fencing rear: Materials must be consistent with materials used in side fencing and may not exceed eight (8') feet in height.
17. Trash and garbage, including containers, shall not be in the front yard area of a lot except on scheduled removal days.
18. All Lots, and all buildings, structures and improvements thereon , shall at all times be maintained by the owner. This is to prevent the Lot and improvements thereon from becoming unsightly by reason of non-maintenance of improvements and accumulation of trash and rubbish thereon. This includes, but is not limited to grass and plantings.
19. It shall be the duty ,obligation and responsibility of each property owner to maintain the appearance of his property, drainage ditch, and that portion of the property in front of his Lot. If the property owner does not comply with this regulation, the property owner will be advised by the Board of Directors, via Certified letter, return receipt requested, of the situation in non-compliance. If no action is taken by the Property Owner, within 30 days of issue of said letter to bring the situation into compliance, the board of Directors will hire a contractor to remedy the situation. Any expense incurred will be the responsibility of the property owner
20. Neither the Association nor its Board or Agents shall be responsible in any way for any defects or deficiencies in any plans or specifications submitted, revised or approved for compliance with these Restrictions, nor for any structural design or workmanship defects in any work done according to such plans or specifications.

21. A permit to build will become void after twelve (12) months of construction has not been started or has been discontinued.
22. Permitted storage of a boat, boat trailer or camp trailer shall not be in a front yard.
23. No accessory building shall be constructed on a lot for more than six (6) months prior to beginning the construction of the main building.
24. No commercial vehicle more than 2 axles or over 1 ton may be parked or stored on any property.

CHAPTER IV

Building Standards

1. No building shall be erected, altered or placed on any Lot or property until complete plans, specifications and required documents for such proposed construction have been submitted to, and approved by, the Board
2. To be complete, plans, specifications and documents for construction submitted to the Board for approval shall include, but not be limited to, two (2) copies of each of the following:
 - a) An approved Building Permit, issued by the County.
 - b) An approved Septic system Permit, issued by the County.
 - c) A plot plan, drawn to scale, showing the Lot, all proposed and existing buildings and structures, driveway entrances from the street, septic system, water and well and
 - d) required off-street parking spaces.
 - e) Construction plans of all buildings, containing a foundation plan and an elevation plan.
3. Approval of the plans, specifications and documents submitted shall be signified by the signing or initialing of each copy of all submitted plans, specifications and documents by the Board.

4. One copy of all approved plans, specifications and documents for construction shall be retained in the files of the Board and all approved original plans, specifications and documents shall be returned to the applicant.
5. In the event an application for construction is denied, all submitted plans, specifications and documents shall be returned to the applicant. The Board shall give the applicant the reason or reasons for denial in writing, a copy of which shall be returned to the files of the Board.
6. Any actions of the Board regarding review, approval or denial of an application for construction must be completed within two (2) weeks from the date a complete application is submitted.
7. The minimum living area on the first floor for habitation of a principal building shall not be less than one thousand (1,000) square feet.
8. Each principal building shall be provided with not less than two (2) off-street parking spaces for vehicles and each space shall be of a size not less than eight (8) feet by sixteen (16) feet. The material of such parking spaces shall be visually different from surrounding yard area.
9. The maximum height of a principal building on a Lot shall not exceed thirty six (36) feet, measured from the average grade of the Lot, after clearing, to the highest point of the building. A chimney may exceed the building height by not more than three (3) feet. In case of a building with a flat roof, as per Sussex County regulations the height shall not exceed 35 feet.
10. The maximum height of an accessory building shall not exceed the fifteen (15) feet, measured from the average grade of the Lot, after clearing, to the highest point of the accessory building.
11. There shall be no more than one principal building on a Lot to be used as a dwelling.
12. There may be one garage and one accessory building. The accessory building must be to the rear of the Lot. The garage should be in line with the principal building. Neither the garage nor the accessory building may be used as a dwelling.

13. The exterior of all permitted buildings must be completed in accordance with the approved plans within one (1) year from the date of the permit to proceed.
14. Plans for any revision to any new or existing dwelling must be submitted to the Board at least sixty (60) days in advance of construction.

CHAPTER V

Signs on Private Property:

There shall be no signs located on private property except real estate for sale and for rent signs. Free standing real estate for sale and for rent signs shall not be higher than thirty six (36) inches measured from the ground directly below to the highest point of the sign and not larger in area than one thousand (1,000) square inches.

Real estate for sale and for rent signs shall be located only on the Lot that is for sale or rent and there shall be not more than one sign on a Lot that is for sale or rent. For the purpose of these restrictions, flags and banners used for the intention of selling or renting real estate shall be considered signs.

Signs on Community Property

Signs on community property shall be the decision of the Board with approval of the members.

CHAPTER VI

Community Property

1. The area shown and identified on the Official Plat as Community Property shall be owned by and construed to be the private property of the Sandy Beach Property Owners Association, Inc., this area includes any and all amenities and structures temporarily or permanently located thereon, now or in the future.
2. All members of the Association shall have full and equal right to enter upon all community property as well as to the use and enjoyment of any and all amenities located now and in the future thereon. Sons and/or daughters of lot owners who reside with their parents outside the community have the same rights as their parents, but may not bring guests.

3. No person shall willingly or knowingly dump any waste or refuse of any nature into the Indian River.
4. Maintenance, repair and improvement of community property, and amenities thereon, shall be the authority and responsibility of the Board.
5. Boats of any kind or size shall not be tied to or secured in any way to the dock in excess of one (1) hour in any consecutive twenty-four (24) hour period except in the case of an emergency.
6. Paddle boats and small non-motorized boats may be located on the beach front to provide access to pontoon boats, provided that they do not interfere with maintenance and grass cutting of the beach front area.
7. No activity on community property shall be such that it denies access and use to any member of the Association.
8. Any person wishing to play with his dog at the water's edge may do so without a leash, providing the owner remains with the pet and has the pet under control. All pet owners are responsible for removing deposits made by their pet in said area for disposal at owner's residence.
9. Any property owner intending to rent property must notify the Board of Directors in advance of this intention. As a condition of rental, new residents will be provided a copy of the Land Use Restrictions, Protective Covenants and Building Standards for the Community of Sandy Beach by the property owner. Property owner will state in writing to Board of Directors this condition has been met and provide the number of new residents living within the home and new resident's name and phone number.
10. The Board will enlist the assistance of State or Local Police, or private security, when deemed necessary to carry out the enforcement of any portion contained within the Land Use Restrictions, Protective Covenants and Building Standards.

CHAPTER VII

Streets

1. The areas shown and identified on the Official Plat as Pebble Drive and Sandy Beach Drive are, and shall be, owned by and construed to be the private property of the Sandy Beach Property Owners Association, Inc.
2. Maintenance repair, and improvement of the streets and drainage ways therein, excepting private driveways and drainage tiles under private driveways located within street areas, shall be the authority and responsibility of the Board, with Association approval.
3. Repairs of damages to streets and drainage ways located therein, which are not the result of normal usage, shall be done at the expense of the person or persons causing such damage and in accordance with specifications and direction of the Board.
4. Parking of construction vehicles within the street area is prohibited between the hours of dusk and dawn.
5. No vehicle of any type or kind shall exceed a speed limit of fifteen (15) miles per hour on either street.
6. Blocking or obstructing, in any manner, any street or any established drainage way within the street area, is prohibited.
7. A drainage tile, at least ten (10) inches or more in diameter, shall be furnished and installed within that part of a private driveway that is in the street area, by and at the expense of the Owner of Record of the Lot that is served by the driveway.
8. Fencing - See Chapter II definitions.
9. The Board of Directors of the Sandy Beach Property Owners Association, Inc., are hereby authorized to expel or deny access to any person or persons who is not an owner or resident or member of the Association. This would include the use of Sandy Beach Community Property and Facilities. The reason for such expulsion or denial may include, but is not limited to, trespass, behavior that threatens the safety and welfare of our members, or interference with members' rights to the enjoyment of these facilities.

CHAPTER VIII

Section 1. Amendments

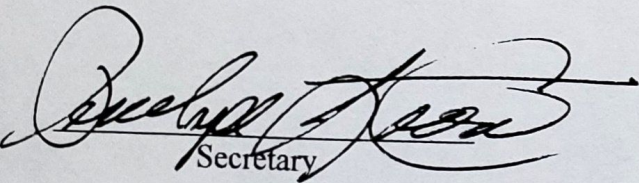
In accordance with the requirements of the by-laws, these Restrictions may be amended at any Annual Meeting of the members of the Association or any Special Meeting thereof, if notice of the proposed amendment or amendments to be made are contained in the Notice of the Meeting. Such amendment or amendments must be approved by affirmative vote, or by ballot, of a majority of the Members voting.

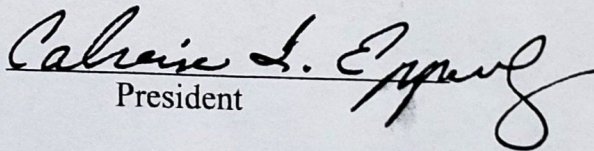
Section 2. - Severability

Each of the Restrictions, covenants, and Standards herein is hereby declared to be independent of, and severable from, each and all other Restrictions. Should any Restrictions, Covenant or Standard be held to be invalid or unenforceable for any reason, that holding shall be without effect upon the validity or enforceability of the remainder of the Restrictions.

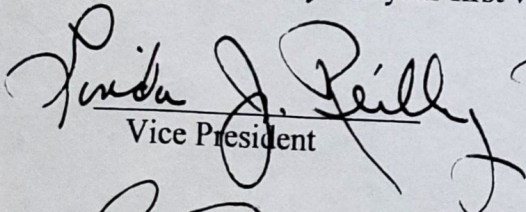
Certificate of Amendment

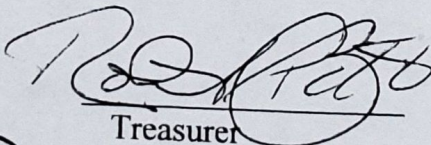
In accordance with the Amendment to the Land Use Restrictions, Protective Covenants, and Building Standards for Sandy Beach, filed in the Office of the Recorder of Deeds in Georgetown, Sussex County, Delaware in Deed Book 2321, Page 125, this Certificate of Amendment, made this 22 day of July, 2007, is to certify that the majority of the owners of property having the right to vote in Sandy Beach have approved and authorized this Amendment to the Land Use Restrictions, Protective Covenants, and Building Standards for Sandy Beach.

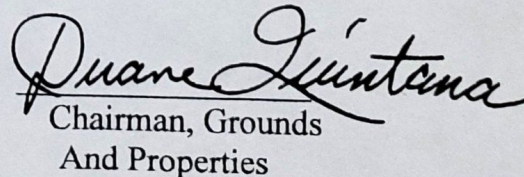

Secretary

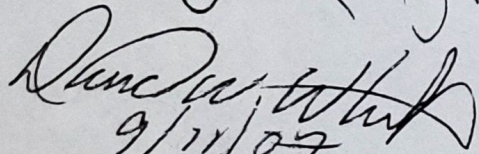

President

In witness whereof, the Sandy Beach Property Owners Association, Inc.; has executed this Amendment the day and year first written above.


Vice President


Treasurer


Chairman, Grounds
And Properties


9/11/07
DAVID W. WHARTON
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXP. 6-16-2008

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SEP 13 2007

**ASSESSMENT DIVISION
OF SUSSEX COUNTY**

RECORDER OF DEEDS
JOHN F. BRADY
09/12/2007 12:14P
SUSSEX COUNTY
DOC. SURCHARGE PAID