

Lake Toxaway Community Association

GUEST definition and boat rental requirement

Reason for these Regulations

In the spring and summer of 2020 there was a significant increase in the number of boats on our lakes. Unfortunately, there were boats on the lakes which should not have been there. People were renting boats at the marina by claiming to be a friend of a property owner in the Estates. A Mountain Falls RV park Facebook posting said that the residents of the RV park could rent a boat at the Lake Toxaway Marina.

This use by the public of Lake Toxaway was not the intention nor the spirit of the 2003 Transition Agreement between the Lake Toxaway Company and the Lake Toxaway Community Association. Public access of the Lake was also not anticipated by the 2000 Declaration of Restrictive and Protective Covenants.

The Lake Toxaway Community Association's (LTCA) By Laws provide the Association with the authority to regulate the use of and access to Lake Toxaway and Lake Cardinal. To more clearly define who can use our Lakes, a committee of property owners was formed to define who is a guest and what are the requirements for a guest to rent a boat at the marina.

Since the Lake Toxaway Company owns the marina, their input and cooperation are key to the enforcement of any rules. The Lake Toxaway Company is equally concerned with the unauthorized access to the lake.

They reviewed these rules and made various suggestions. The Board thanks The Toxaway Company for their assistance and input in creating these rules and have the full backing and support of the Lake Toxaway Company (the owner of the marina).

Requirements for Renting a Boat from the Marina

To ensure that only those which have the right to use our lake, a Guest card or registration of family members with the Association office before renting a boat from the marina will be required. All HOSTS would be required to either (1) register their family members with the LTCA office; or (2) authorize a Guest card to be issued to their GUEST prior to renting a boat from the marina.

A HOST is defined as a property owner of a home within the Lake Toxaway Estates. The property owner must be in good standing with the LTCA.

A GUEST of a HOST may rent a boat from the marina. A GUEST is a person who is either:

- (i) staying at a house within the Lake Toxaway Estates of a HOST; or
- (ii) renting a house within the Lake Toxaway Estates from a HOST; or
- (iii) visiting a house within the Lake Toxaway Estates of a HOST; or
- (iv) living within the house within the Lake Toxaway Estates of a HOST.

Family members are not considered GUESTS. Family members are defined as the following: the spouse, children, grandparents, grandchildren,

parents, siblings, nieces and nephews, and immediate in-laws of the HOST. Friends and more distant relatives of the HOST are deemed GUESTS, not family members.

The HOST is responsible for the payment of all fines for violating the LTCA's boating regulations incurred by his GUEST or family member.

A Guest card or being a registered family member of a HOST, is required for renting a boat from the Marina. To obtain a Guest card, the GUEST must certify that he has read and understands the current edition of the Lake and Boating Regulations and agrees to abide by these rules and regulations.

Registered Family Member

In lieu of a Guest card, a qualifying family member may be registered with the LTCA office. A list of the registered family members will be provided to the marina.

GUESTS of owners of unimproved lots are not permitted to rent boats from the marina.

If a person rents a house in the Estates using an on-line company or marketplace, e.g., VRBO or Airbnb, the renter and all the occupants of the house must be approved for a boat rental by the Association prior to renting a boat from the marina. Application forms will be available on line and at the Association office.

Greystone Inn GUEST

A person staying at the Greystone Inn (a GUEST) may rent a boat from the marina. Prior to renting a boat from the marina, the GUEST must certify that he has read and understands the current edition of the Lake and Boating Regulations and agrees to abide by these rules and regulations. A GUEST card, issued at the LTCA's office or by the Greystone Inn, is required when renting a boat from the marina.

GUESTS of the Toxaway Company

An invitee or a prospective customer (a GUEST) of the Lake Toxaway Company may rent a boat from the marina as provided in the Transition Agreement. Prior to renting a boat from the marina, the GUEST must certify that he has read and understands the current edition of the Lake and Boating Regulations and agrees to abide by these rules and regulation. A GUEST card, issued at the LTCA's office or by the Lake Toxaway Company, is required when renting a boat from the marina.

GUEST CARD

A GUEST card or being a registered family member of the HOST is required to rent a boat at the marina. Upon the written request of a HOST, the Greystone Inn or the Lake Toxaway Company and the completion of an application, a GUEST card will be issued to the GUEST or the family member. The rental of a boat at the marina may be denied to anyone without either a valid Guest card or being a registered family member of a

HOST. These cards are issued at the LTCA's office on Hwy. 64, or by the Greystone Inn or by the Lake Toxaway Company. A GUEST card is not transferable and may only be used by the person whose name appears on the card. A picture ID having the same name may be required to obtain a guest card. The GUEST card is valid for a specific length of time. The GUEST or family member shall certify that he has read, understands and agrees to abide by LTCA's boating regulations. If the GUEST or family member receives a fine for violating the regulations, the Host is responsible for paying the fine.

In the event a person or group wants to rent a boat but does not have a Guest card and the POA office is closed, a representative of the marina will use the POA Directory to verify that the HOST is a Homeowner in the Estates and will call the HOST. If the representative cannot speak to the HOST, the representative will get a photo ID and issue a Guest card. On the next business day, the representative will give the HOST's name and the Guest's name to the POA office. The POA office then will contact the HOST to verify and remind them of our policy.

The Lake Toxaway Marine or "Marina" shall refer to the boat slips, fueling area, associated buildings and land located in a cove of Lake Toxaway immediately southwest of the Greystone Inn. The Lake Toxaway Marina is owned by the Lake Toxaway Company and operated under a lease.