

LAKE VIEW ESTATES HOMEOWNERS ASSOCIATION

BY-LAWS *(Last Amended 7/30/2016)*

ARTICLE I NAME AND OBJECTIVE OF CORPORATION

Section 1. NAME

This Corporation shall be known as the Lake View Estates Homeowners Association, hereinafter called the Association.

Section 2. OBJECTIVES

The objectives of the Association shall be to coordinate the removal of solid waste materials from the Development site in Fayette, Maine until such time as the Fayette dump becomes an approved facility by the Department of Environmental Protection Agency of the State of Maine to process solid waste materials and also to coordinate, supervise, administer, regulate and otherwise manage certain common land, so-called, in Lake View Estates Subdivision and to maintain the roads situated in the Lake View Estates Subdivision for the benefit of the property owners in the Subdivision. Further, the Association shall coordinate various social and recreational projects for the property owners in the Development.

ARTICLE II MEMBERSHIP

Section 1. MEMBERSHIP

The membership of the Association shall be limited to all persons who own a lot in the Lake View Estates Subdivision and such other lots accessed through Lake View Estates Subdivision as may be approved by the Association. Such other lots shall, for all purposes of these By-laws, be considered lots in the Lake View Estates Subdivision.

Section 2. LOT OWNER

Each owner, or joint or common owner, of a lot in the Lake View Estates Subdivision shall be a member of the Association.

Section 3. ANNUAL PROPERTY MAINTENANCE CHARGE FEE

Each lot shall be assessed an "Annual Property Maintenance Charge" which owners of all lots in the Lake View Estates Subdivision are required to pay in accordance with the provisions of each deed conveying the lot to them and pursuant to the terms of the Road Maintenance Agreement executed by each lot owner at the time they contracted to purchase a lot in the subdivision (if two or more members have or hold common or joint ownership to any lot in the Lake View Estates Subdivision, only one annual property maintenance charge shall be paid for each lot). The "Annual

Property Maintenance Charge" shall include but not be limited to the cost incurred for the maintenance of the access roads which run through the Development and the common area in the development and the cost incurred for solid waste disposal from the Development. The initial annual charge per lot owner shall be \$200.00.¹ This charge may be increased or decreased by vote of the Association as provided for in the aforementioned Road Maintenance Agreement only if said change in the assessment is necessary because of expenses incurred in meeting Association obligations.

Section 4. The Annual Property Maintenance Charge shall be established on a yearly basis at the first meeting of, the Association and yearly thereafter. No further assessments may be made unless specifically approved by the Association at a special meeting of said Association called pursuant to these By-Laws.

Section 5. In the event of default by any member in paying to the Association the Annual Property Maintenance Charge, such charge shall become a lien upon the member's property as provided in each member's deed to his property. Each unit owner in default shall be obligated to pay interest compounded at 18% per annum on such common charges from the due date thereof as determined by the Association, together with all expenses, including reasonable attorney's fees, incurred by the Association in any proceedings brought to collect such unpaid common charges. Furthermore, each unit owner in default shall not be entitled to make any improvements to Lake View Estates property. Unit owners in default who do make improvements to Lake View Estates property shall be subject to legal actions as determined by the Association, together with all expenses, including reasonable attorney's fees, incurred by the Association in any proceedings brought to enforce this requirement. In addition, a unit owner in default shall not be entitled to vote at any meeting of the Association unless the unit owner brings the charges current prior to the meeting.

Section 6. The Lake View Estates Homeowners Association (LEHA) Board, after consideration of the severity of a violation of the LEHA By-Laws/Deeded Restrictions/Policies, may issue a notification of the violation to the offending member and allow the member 30 days to correct the violation. Notification of the violation shall be posted on the offending member's lot and shall be sent by regular and certified mail to the address of the offending member as listed in the tax records of the Town of Fayette, Maine. If, after 30 days, the violation has not been corrected, the monetary penalty, determined by the LEHA Board, ranging from \$5.00 to \$50.00 per day shall be assessed by the LEHA Board and the assessment shall become a lien on the property. All terms and conditions applicable to a lien assessed under Article II, Section 5, with the exception of the interest charges, shall be applicable to this section as well. The lot owner may appeal any penalty at the next LEHA annual meeting. At such annual

meeting, the members in attendance, both in person and by proxy, may modify or nullify the assessed penalty by a majority vote. The determination of the appeal by the membership at such annual meeting shall be final.

Section 7. CERTIFICATE NONASSIGNABLE

The certificate of membership and the rights and privileges of a member shall not be assignable.

Section 8. VOTE

Each member shall have one vote, in person or by proxy at a meeting of the members; (provided, however, that if two or more members have or hold common or joint ownership to any lot in the Lake View Estates Subdivision, only one vote shall be cast for each lot with common or joint ownership). The designation of any proxy shall be made in writing to the Secretary of the Association, and shall be revocable at any time by written notice to the Secretary, by the member or members so designated.

ARTICLE III

Section 1. BOARD OF DIRECTORS

Because of the number of lots in this subdivision which restricts the number of members in the Association, it is hereby provided that the officers of the corporation shall also serve as the Board of Directors.

Section 2. OFFICERS

The officers of the Association shall consist of a President, Vice President, Secretary and a Treasurer, elected as provided in Section I of Article V of these By-Laws.

Section 3. PRESIDENT AS COMMITTEE MEMBER

The President shall be a member, ex officio, of all committees.

Section 4. The officers of the Association must be members of the Association and shall be elected at the annual meeting of the members of said Association. The term of each officer shall be for two years.

ARTICLE IV MEETINGS

Section 1. ANNUAL MEETING OF MEMBERS

The annual meeting of members of the Association shall be fixed at the first meeting of the Association. Notice of the time and place of holding

the annual meeting shall be mailed to each member not less than ten nor or more than fifty days before the date of the meeting.

Section 2. SPECIAL MEETING OF THE ASSOCIATION

Special meetings of the Association members may be called by the President, or upon request of five members to the President made in writing. Notice of the meeting shall be mailed to each member not less than 10 nor more than 50 days before the date of the meeting, and at such special meeting there shall only be considered such business as is specified in the notice of meeting.

Section 3. QUORUM FOR MEMBERS OF MEETING

At all meetings of the Association, either regular or special, one-third of all members in person or represented by proxy, and in good standing shall constitute a quorum, except in cases where changes in the annual maintenance fee will be considered, in which case a majority of all members in person or represented by proxy, and in good standing shall constitute a quorum.

Section 4. LACK OF QUORUM

If a quorum is not present, the presiding officer may adjourn the meeting to a day and hour set by him. The members present at a duly called or held meeting at which a quorum was once present may continue to do business at the meeting notwithstanding the withdrawal of enough members to leave less than a quorum.

Section 5. ORDER OF BUSINESS

At all meetings of the Association, the order of business shall be as follows:

- A. Reading of minutes of immediate prior meeting for information and approval
- B. Reports of Officers
- C. Reports of Committees
- D. Unfinished Business
- E. New Business
- F. Reading and approval of minutes of meeting just had, if requested

Section 6. ACTIONS

Unless otherwise provided for herein or by special vote of the Association, a majority vote will be sufficient to transact Association business.

Section 7. LOCATION

Meetings of the Association shall be held at a suitable place convenient to the members and such place shall be specified in the notice of the meeting.

ARTICLE V

Section 1. ELECTIONS

The term of an officer of the Association shall be two years and they shall be elected by plurality vote at the annual meeting of the Association. No member may serve more than two consecutive terms.

Section 2. VACANCIES

If a vacancy occurs among the officers, the Board of Directors shall fill said vacancy for the remainder of said officer's term.

Section 3. REMOVAL

Any officer may be removed from office for cause, by the vote of members of the Association constituting three-fourths (3/4) of the members of the Association present at a regular or special meeting of the Association.

Section 4. NOMINATION

At least one month before the election meeting, the President shall appoint a nominating committee of three members whose duty it will be to nominate the officers. Additional nominations may be made by any members of the Association at the election meeting.

ARTICLE VI DUTIES OF OFFICERS

Section 1. PRESIDENT

The President shall preside at all meetings of the Association and shall appoint such committees as he or she or the Association shall consider expedient or necessary.

Section 2. VICE PRESIDENT

In the absence of the President, the Vice President shall perform his or her duties, and in the absence of both President and Vice President, the Treasurer shall preside and assume the duties of the President. The Vice President shall also generally assist the President and exercise such other powers and perform such other duties as shall be prescribed by the

Association.

Section 3. SECRETARY

The Secretary shall keep the minutes of all meetings of the Association and shall, if requested read such minutes at the close of each meeting for approval; and shall mail out all notices for meetings of the Association. He or she shall perform such other duties as may be required of him or her by the By-Laws, the President or the Association.

Section 4. TREASURER

The Treasurer shall have charge of all receipts and monies of the Association, deposit them in the name of the Association in a bank approved by the Association, and disburse funds as ordered or authorized by the Association. He or she shall keep regular accounts of his receipts and disbursements, submit his or her record when requested, and give an itemized statement at regular meetings of the Association. He or she, or the President or Vice President, may sign checks and withdrawal slips on behalf of the Association upon any and all of its bank accounts. He or she shall be authorized to expend funds on behalf of the Association in an amount to be approved by the Association at its first meeting.

Section 5. EXECUTION OF INSTRUMENTS

The President and the Secretary or the Treasurer, shall, on being so directed by the Association, sign all leases, contracts, or other instruments in writing.

ARTICLE VII DUTIES AND POWERS OF THE BOARD OF DIRECTORS

Section 1. MANAGEMENT OF ASSOCIATION

The officers of the Association acting in the form of a Board of Directors, shall have general charge and management of the affairs, funds and property of the Association. Said Board of Directors shall have full power, and it shall be the duty to carry out the purposes of the Association according to its Articles of Incorporation and By-Laws. The Board of Directors shall have authority to approve expenditures on behalf of the Association In an amount to be approved by the Association at its first meeting.

Section 2. The Board of Directors may make reasonable rules for the conduct of the members and their guests for the use of Association property and facilities not provided for in these By-Laws or the individual deeds or deeds of members for lots In the Lake View Estates Subdivision.

Section 3. ANNUAL PROPERTY MAINTENANCE CHARGE FEE

The Board of Directors shall have the power to collect the Annual Property Maintenance Charge fee which members and owners of lots at the Lake View Estates Subdivision are required to pay in accordance with the provisions of each deed or deeds conveying said lots to them, and to impose and enforce any lien or encumbrance provided for in said deeds.

Section 4. The Board of Directors, at their discretion, shall set times and days for meetings as agreed by a majority of the Board. There shall be no need for formal written notice of the meetings but rather, it will be left to the President of the Association, who shall be the chairman of the Board of Directors, to schedule meetings of the Board when necessary.

ARTICLE VIII COMPENSATION OF OFFICERS

Neither the officers, nor members serving on committees shall receive any salary or compensation for services rendered to the Association.

ARTICLE IX NOTICES

All notices to members shall be mailed or emailed, return receipt to their addresses as given on the books of the Association, and such distribution of information shall constitute conclusive evidence of service thereof. It is the responsibility of each member to advise the Association of current contact information, and the Association shall be entitled to rely on mail, or email service to the last known address given to the Association by any Member who is to be served with notice.

ARTICLE X LIABILITY OF OFFICERS

Section 1. LIABILITY

The officers of the Association shall not be liable to the members of the Association for any mistake of judgment, negligence or otherwise, except for their own individual willful misconduct or bad faith. The members of the Association shall indemnify and hold harmless each of the officers against all contractual liability to others arising out of contracts made by the officers on behalf of the Association unless any such contract shall have been made in bad faith or contrary to the provisions of the Articles of Incorporation or of these By-Laws. It is intended that the Officers shall have no personal liability with respect to any contract made by them on behalf of the Association. It is also intended that any liability of any member of the Association arising out of any contract made by said officers either individually, pursuant to authority provided hereunder, or acting as a group in the form of a Board of Directors or out of the aforesaid indemnity in favor of said Officers, shall be limited to such proportion of the total liability thereunder as his membership bears to the entire membership in

the Association.

ARTICLE XI CORPORATE BUSINESS RECORDS

Section 1. The corporate business records of the Association shall at all times, during reasonable business hours, be subject to the inspection of any members.

ARTICLE XII PARLIMENTARY RULES

Section 1. Roberts Rules of Order shall govern the conduct of the Association meetings when not in conflict with these By-Laws.

ARTICLE XIII AMENDMENTS TO BY-LAWS

Section 1. PROPOSAL

Amendments to these By-Laws may be proposed by a majority of members of the Association, whether meeting as members or by instrument in writing signed by them.

Section 2. ADOPTION

Amendments to these By-Laws may be adopted only by a two-thirds vote of the members present in person or by proxy at a regular or special meeting of the Association, provided that notice of the proposed amendment has been stated in the call for the meeting. Voting by proxy shall require a signed proxy agreement from the absent member in order for the present member to vote the absent member's interest.

ARTICLE XIV AMBIGUITY

In the event that any of these By-Laws are ambiguous, then the provisions of Title 13B M.R.S.A. §101 et. seq. shall be used to resolve said ambiguity.

¹ The amount in the white binder packet from Patten states \$150.00, while the original corporate record book copy (held by the Secretary), states \$200.00 as the initial fee. The annual maintenance fee was adjusted to \$300.00 per year at the 7/29/2006 meeting. This footnote is not part of the official text of By-Laws. (rjh)

Stenographic corrections made include: Added title "VOTE" to Article II Section 7 to more accurately reflect the original text. Superfluous periods were removed after section titles for consistency of style. (rjh/4/16/2008) Added "Section 1." under Article XII for stylistic consistency. (rjh/7/27/2015)