

BYLAWS

COLONY PARK WEST SUBDIVISION ASSOCIATION

ARTICLE I - DEFINITIONS

1. "Association" shall mean and refer to the Colony Park West Subdivision Association, a non-profit corporation organized and existing under the laws of the State of Michigan whose powers are specified in Article VIII.

2. "The Subdivision" shall mean and refer to Colony Park West Subdivision Number 1 and 2, the plat of which shall be attached hereto and made a part hereof as approved by the City of Farmington Hills and such other land as may hereafter be brought within the jurisdiction of the Association as hereinafter provided in Article IX.

3. "Member" shall mean and refer to an owner of a platted lot within the "Subdivision".

4. "Director" shall mean a member who shall be elected to the Board of Directors in the manner hereinafter provided by Article XI.

5. "Common Properties" shall mean and refer to all land and improvements incident thereto which are owned and maintained by the Association for the common benefit and enjoyment of its members. The extent of said common properties are identified upon the plat attached hereto and made a part hereof.

6. "The Lake" shall mean and refer to a body of water which is the predominate natural feature of the common properties.

7. "Majority Vote" shall mean a simple majority. For purposes of clarification each lot is entitled to two (2) votes. For example, in the event that there were eighty (80) lots represented at the meeting any matter which may be passed by a simple majority would require eighty-one (81) votes for passage; further, assuming eighty (80) lots are present or represented by proxy at a meeting and a 2/3 majority or a two-thirds (2/3) vote is required for passage (other than that specifically required by Article XVI, Section 4), 107 affirmative votes would be required.

8. "Owner" shall mean, "fee owner" of a lot or, in the event that a lot has been sold by land contract, then an "owner" shall mean that individual or individuals who have an equitable ownership of the lot

9. "Deed of Restrictions" shall mean those restrictions recorded with the Oakland County Registrar of Deeds on June 22, 1972 and on January 9, 1975.

10. "Proxy" shall mean the right of an absent member to designate, in writing, to another member present at the meeting, authority to vote on behalf of the absent member; said proxy may either be specific, directing the method in which the vote is to be exercised, or in general, which shall allow the designated member to vote in the manner deemed appropriate.

ARTICLE II - PRINCIPAL OFFICE, RECORDS AND BANKING OF THE ASSOCIATION

1. The location of the principal office of the Association shall be determined by the Board of Directors.
2. A file pertaining to the corporate records of the Association and containing the minutes of all meetings of the Association and other information pertaining to any activities conducted by the Association shall be maintained by the President.
3. The Association shall be empowered to maintain a checking account, savings account and safe deposit box at a financial institution to be selected by the Board of Directors. The keys to any safe deposit box of the Association shall be maintained by the President and the Treasurer.

ARTICLE III - MAINTENANCE FUND

1. Each lot included within the Subdivision shall be subject to an annual assessment determined by the Association. The assessment shall be used for the purpose of creating a fund to be known as the Maintenance Fund and shall be paid by the respective lot owner(s) and is due and payable annually by the 30th day of April each year.
2. The annual assessment may be increased or decreased by a vote of the 2/3 of those present or represented by proxy at any

annual meeting or special meeting conducted by the Board of Directors as specified in Article XVI.

3. The Maintenance Fund may be used for each of the following purposes: For improving and maintaining "parks", roadways, and entranceways of said property; for planting trees and shrubbery and the care thereof; for collecting and disposing of garbage, ashes and rubbish; for employing night watchmen; for caring for vacant property, for removing grass or weeds; for constructing, purchasing, maintaining or operating any community service or for doing any and other things necessary or advisable in the opinion of the Colony Park West Subdivision Association for keeping the property neat and in good order; for expenses incident to the examination of plans as herein provided and to the enforcement of the building restrictions, conditions, obligations, reservations, rights, powers and charges.
4. Each member and their successors expressly agree that the maintenance fund charge, referred to herein, shall be a lien and encumbrance on the lot with respect to which said charges are made. A certificate, in writing issued by the Colony Park West Subdivision Association or its agent, shall be given on demand to any owner liable for said charges, which shall set forth the status of said charges. The certificate shall be binding upon the said parties hereto.
5. By acceptance of title each owner shall be held to vest in the Association the right

and power in its own name to take and prosecute all suits which may be in its sole opinion necessary and advisable for the collection of all such charges.

6. A late payment charge of \$10.00 per month will be assessed against each lot where the annual assessment is paid after April 30th of each year, until the annual assessment is paid in full. Annual charges are a lien on each lot and, if not paid by April 30th of each year, will be denoted by an affidavit recorded with the Registrar of Deeds, and this lien may be enforced as are real estate mortgages, by foreclosures, by advertisement or in Circuit Court. If a lien is placed on a lot, it will include late fees and additional charges to cover expenses including recording and collection fees.

ARTICLE IV - REQUIREMENTS OF MEMBERSHIP

1. Each person or entity who is owner of record of a fee interest or equitable interest of any lot within the Subdivision which is subject to a certain "deed of restrictions" shall be eligible for membership in the Association, provided that any such person or entity who holds such interest merely as security for the performance of an obligation shall not be a member.

2. The rights of membership are subject to the payment of all annual assessments and supplemental charges as specified in Article III and V of these Bylaws.

3. The rights of membership of any member whose interest in the Subdivision is subject to annual or supplemental charges as herein above specifies, whether or not such member be personally obligated to pay such assessments under Article III or Article V, may be suspended by action of the Board of Directors during the period when the assessments or supplemental charges remain unpaid; but upon payment of said assessments or special charges, said member's rights and privileges shall be automatically restored. Among the rights which may be suspended include, but are not limited to, the right to use the lake and other common properties and facilities of the Association; such denial of any such right may be imposed on any member, his or her family members and/or his or her guests, except as specified in Article VII.

ARTICLE V - SUPPLEMENTAL CHARGES

1. The Board of Directors may at their discretion impose supplemental charges to accomplish certain purposes, whether or not specifically mentioned in Article III, section 3. The rate of such charge shall not exceed \$15.00 per lot for the calendar year, and thereafter shall not exceed a rate as may be determined by the Board of Directors. In no event shall said charge exceed \$25.00 per lot without the approval of a two-thirds (2/3) vote of the lot owners, present or represented by proxy, at the Annual Meeting or special meeting called by the Board of Directors for such purpose.

2. The Board of Directors may establish a fund and assessment for a special improvement project. Such fund must be approved by a vote of two-thirds (2/3) of the lot owners, present or represented by proxy, as heretofore set forth at the Annual Meeting. Refer to Sec. 528 of the IRS Tax Code for specific rules.

3. All supplemental charges shall be communicated to each lot owner with the amount and purpose of such charge being specifically set forth.

ARTICLE VI - VOTING RIGHTS

1. Subject to the provisions of these Bylaws and the Deed of Restrictions, each lot in the Subdivision shall be entitled to a total of two (2) votes exercisable by the "owners" of said lot or their representative designated by proxy, in writing, and submitted to a member of the Board of Directors at the meeting

2. A quorum consisting of at least one-half (1/2) of the members of the Board of Directors shall be required before any action can be taken at a Board of Directors meeting.

3. A quorum consisting of at least twenty (20%) percent of the total lots owned within the Subdivision, represented by owners or their proxy, shall be required before any action can be taken at an Annual meeting or special meeting of the Association.

4. All voting shall be conducted by a show of hands except as otherwise provided in Article XI hereof.

5. Matters requiring approval by vote shall be approved by a "simple majority" unless the contrary is specified by these Bylaws or "Deed of Restrictions".

ARTICLE VII - RIGHTS OF MEMBERSHIP

1. Each member shall be entitled to the use and enjoyment of the common properties and such right shall be appurtenant to and shall pass with the title to all lots within the Subdivision. This right shall be subject to the reasonable regulations adopted by the Board of Directors, and to take such other actions necessary to adequately maintain the Common Properties and to avoid default.

2. Any member may file a written complaint or request to any Director. Within thirty (30) days after the regular monthly meeting of the Board of Directors that member shall receive a written response. Failure of the Board of Directors to so respond shall be a defense against the non-payment of annual or supplemental assessments.

3. Any member may delegate his, her or its rights of enjoyment in the Common Properties to the members of his or her family who reside at that address. In the event that member shall lease the property, the tenants shall have all rights of the member, other than voting rights. The Board of Directors must be notified in writing, by the owner, of the name and address of the tenant. All

guests of members shall be permitted to use the Common Properties when accompanied by the member or tenant.

ARTICLE VIII - ASSOCIATION PURPOSES AND POWERS

1. To manage and administer the affairs of and maintain the Common Properties located in the Subdivision in accordance with a certain agreement for planned unit development recorded in the Oakland Country Registrar of Deeds on March 28, 1972 in Liber 5837, Pages 874-882 and a Deed of Restrictions recorded in the Oakland Country Registrar of Deeds on June 22, 1972, in Liber 5891, Pages 165-170 which declaration has been modified and revised as of January 6, 1975 and recorded in the Oakland Country Registrar of Deeds in Liber 6415, Pages 66-71.

2. To levy and collect assessments against and from the members of the Association and to use the proceeds thereof for the purposes of the Association.

3. To make and enforce regulations concerning the use and enjoyment of the Common Properties.

4. To own, maintain, improve or lease any real and personal property for the purpose of providing benefit to the members of the Association and in furtherance of any of the purposes of the Association.

5. To enforce the provisions of the Bylaws, Deed of Restrictions and the Articles of

Incorporation of the Association and such rules and regulations of this Association as may hereafter be adopted.

6. To enter into any kind of activity, to make and perform any contract and to exercise all powers necessary, incidental or convenient to the administration, management, maintenance or repair, replacement and operation of the Common Property.

7. To promote the health, safety and welfare of the residents within the Subdivision in whatsoever manner is deemed appropriate: to promote the common benefit and the enjoyment of the members.

ARTICLE IX - EXPANSION

1. Additional land may be acquired for use as Common Property by the Association upon the approval or a two-thirds (2/3) vote at an Annual Meeting or at a special meeting called for such purpose. Notice of such special purpose shall be specifically set forth and conveyed to each lot owner no less than two (2) weeks prior to said meeting.

ARTICLE X - BOARD OF DIRECTORS

1. The affairs of the Association shall be managed by a Board of Directors which shall consist of a minimum of seven (7) to a maximum of eleven (11) members. The Directors shall be elected at an Annual Meeting for a term of two (2) years.

2. Vacancies in the Board of Directors shall be filled by a vote of a majority of the directors present at the board meeting and any such appointed director shall hold office until a successor is elected by the members at the next Annual Meeting.

3. All directors shall be members of the Association.

4. A director may be removed from office upon approval of a majority vote of the board members.

5. The Past President shall serve without a vote to act in an advisory capacity and attend the Farmington Hills Homeowners Association meetings for the Association

ARTICLE XI - ELECTION OF DIRECTORS

1. Election to the Board of Directors shall be by written ballot or show of hands at the Annual Meeting.

2. The names and addresses of the nominees shall be set forth in the notice sent to all members for the Annual Meeting.

3. An opportunity shall be provided for additional nominations to be made at the time of the Annual Meeting by any member. The names of additional nominees shall be added to the ballot provided the nominee is present at the Annual Meeting and states his or her willingness to serve.

4. Each lot is entitled to cast no more than two (2) votes for any one prospective director.

5. A director shall count the ballots cast or show of hands and if the number of candidates exceeds the number of openings on the Board, determine the number of votes received by each nominee. Each nominee shall be assigned a number corresponding to his or her ranking to be determined by the number of votes received. Nominees ranked equal to or less than the number of directors permitted by Article X, Section 1, shall be deemed to be elected. Ties shall be broken by a coin toss conducted by a director.

6. At the first meeting of the Board of Directors following their election to the Board, each director shall be assigned a portion of the Subdivision, which shall be considered his or her district. In selecting districts, preference shall be given to Board members based upon their residence within the Subdivision. A director who shall refuse a district assignment shall be deemed to have resigned and shall be replaced in the manner provided by Article X, Section 2.

ARTICLE XII - POWERS AND DUTIES OF THE BOARD OF DIRECTORS

1. To schedule and conduct the Annual Meeting of the members and such other special meetings of the members which are authorized by the Bylaws.

2. To select those Officers of the Association specified by Article XIV. Said officers shall serve at the pleasure of the Board of Directors.

3. To establish, levy, assess, and collect the annual assessments and other charges permitted by the Bylaws; to use any and all methods necessary to effectuate collection Of all assessments and charges including, but not limited to, the use of real property liens.

4. To adopt and publish rules and regulations pertaining to the use of the Common Properties.

5. To enforce those rules and regulations which shall have been adopted and those which are contained in the "Deed of Restrictions".

6. To appoint the members of all Standing Committees as provided for by Article XV.

7. To sponsor or approve any activity held for the benefit of the members of the Association.

8. To make necessary arrangements for the adequate maintenance of the Common Properties and to protect the condition of the lake which shall include the expenditure of funds for such purpose.

9. To approve the expenditure of all funds expended to promote the health, safety and welfare of the members of the Association.

10. To inform the members of the Association of the activities of the Association and such other information which is deemed to be of value

11. To keep and maintain a complete record of all acts of the Association and to present to the members a record of past expenditures and proposed expenditures at the Annual Meeting.

12. To supervise all officers and standing committees who shall act for and on behalf of the Association.

13. To prepare a roster of the owners of property within the Subdivision, and upon the failure of such owner to pay the assessments as herein provided to obtain the name of titleholder of said lot.

14. To issue certificates as are provided for by Article III, Section 4.

15. To prepare an annual report to be circulated to all members stating the past activities of the Association over the year preceding the Annual Meeting and further stating actions proposed to be taken in the year following the Annual Meeting.

16. To otherwise manage and administer the affairs of the Association which are necessary to accomplish the purposes of the Association subject to any restrictions contained herein.

ARTICLE XIII - MEETINGS OF THE BOARD OF DIRECTORS

1. The first (1st) meeting of the new Board of Directors shall be approximately one (1) week after the Annual Meeting and regular monthly meetings shall be held at a time, date and place to be determined by the Directors.

2. Notice of such regular meetings are hereby dispensed with. However all directors shall be notified at least three days prior to any special meeting.

3. The President may call a special meeting. The agenda for a special meeting shall be submitted to each director prior to the opening of the meeting and business shall be limited to those items on that agenda.

4. The agenda for all regular monthly meetings of the Board of Directors shall be as follows:

- A. Attendance report and reading of Minutes of the prior monthly meeting and approval of same.
- B. Financial Report.
- C. Neighborhood Report.
- D. Correspondence and member complaints.
- E. Old Business.
- F. Committee Reports.

G. New Business.

H. Adjournment and succeeding monthly meeting information.

The President shall be responsible for the classification of items within this agenda.

ARTICLE XIV - OFFICERS

1. The Officers of the Association shall be: President, First Vice-President, Second Vice-President, Recording Secretary, Corresponding Secretary, Treasurer, and Activity Director. All officers shall be directors.

2. The Officers shall be elected by the Board of Directors by majority vote at the first regular monthly meeting following the Annual Meeting.

3. All Officers shall hold office at the pleasure of the Board of Directors. Any Officer may be replaced by a two-thirds (2/3) vote of the Directors. Any Director may be discharged by a unanimous vote of the remaining Directors or by a simple majority of the remaining Directors for failure to pay any assessments herein provided.

4. The duties of the President shall be: Conduct the Annual Meeting or any special meeting of the membership; preside at all meetings of the Board of Directors; chair the Operating Committee; co-execute all written documents and checks; represent, or appoint a director to represent, the Association before any outside agency or

group; prepare the Annual Report; notify Directors of special meetings.

5. The duties of the First Vice-President shall be: Perform all duties of the President in his absence; appoint all members of the standing committees and be an ex officio member of all committees; co-execute all written documents other than checks of the Association.

5. (A) The duties of the Second Vice-President shall be: chair the Property Committee; prepare and submit an annual evaluation of the lot restrictions to the Annual Meeting; propose rules and regulations pertaining to the use of the Common Properties.

6. The duties of the Recording Secretary shall be: Keep the minutes of all meetings of the Board of Directors including attendance; review and update the file containing the records of the Association on a monthly basis.

7. The duties of the Corresponding Secretary shall be: Chair the Publicity Committee; prepare and maintain the roster of members, welcome new families and obtain necessary information for the membership roster; approve and be responsible for all notices and information concerning the Association distributed to members; prepare and sign all assessment certificates and correspondence to members.

8. The duties of the Treasurer shall be: Receive and deposit all monies of the

Association; prepare all financial reports including those required for the Annual Meeting; prepare all checks for obligations approved by the Board of Directors; chair the Audit and Review Committee; prepare and mail all assessments and other charges to the members of the Association; co-sign all checks of the Association.

9. The duties of the Activity Director shall be: Chair the Activities Committee; prepare a program of adult and juvenile activities for members and submit the same to the Board one month following election.

ARTICLE XV - COMMITTEES

1. The following Committees of the Association are recommended:

- The Operating Committee
- The Property Committee
- The Publicity Committee
- The Audit and Review Committee
- The Activities Committee

2. It is recommended that each committee consist of one officer of the Board as chairman, and/or other director or members of the Association as deemed necessary by the chairman.

3. Meetings of the standing committees shall be called by the chairman of the respective committees.

4. The duties of the Operating Committee shall be: Obtain bids and offers of service for all work to be performed for the

Association by non-members; supervise, wherever possible, the work of any person or organization employed or retained by the Association; review and make recommendations for amendments or alterations to the documents of the Association; appoint a member at large to prepare an annual audit for submission to the Annual Meeting of the financial transactions of the Association during the preceding year; prepare recommendations for the improvement of specific services for the Association.

5. The duties of the Property Committee shall be: Distribute and make members aware of the prevailing lot restrictions, prepare a plan for maintenance and improvements to the Common Properties; conduct an evaluation of any special improvement project to include projected costs and financing methods; review and make recommendations on insurance concerning the Common Properties and protection of the Board of Directors; review and make recommendations for the enforcement of lot restrictions and measures to protect property of members; review and make recommendations concerning the use of the Common Properties.

6. The duties of the Publicity Committee shall be: Adopt and conduct a program whereby regular announcements of the activities of the Association and information of interest to the members may be circulated; prepare a directory of residents; prepare and distribute informational flyers pertaining to the activities of the Association; collect and make available to the members information on

activities conducted by the municipality, school district and other organizations of interest to members; propose and assist in the program by which new owners are made aware of the activities of the Association; suggest information for the membership roster.

7. The duties of the Audit and Review Committee shall be: Review and prepare a program for the conduct of financial business matters by the Association; prepare the annual budget for the Association to include proposed member assessments and charges; propose and supervise a collection system for member assessments and charges including a collection program for the non-payment of assessments and charges for each owner in default.

8. The duties of the Activities Committee shall be: Obtain persons to conduct, or to conduct the social activities of the Association to include a program for the children of members; maintain a list of organizations and services of possible assistance to members of the Association.

ARTICLE XVI - MEETINGS OF THE MEMBERS

1. The regular Annual Meeting of the members shall be held during the month of March at a time and place to be determined by the Board of Directors.

2. Special meetings of the members may be called by a two-thirds (2/3) vote of the Board of Directors. The business to be conducted at such a special meeting shall be

limited to the reason the special meeting is called.

3. It is recommended that the agenda for the Annual Meeting include the following:

- A. Attendance and quorum determination.
- B. Minutes of prior Annual Meeting.
- C. Annual report by the President.
- D. Evaluation of Restrictions by the Vice-President.
- E. Review of the Budget.
- F. Determination of assessment.
- G. Required membership decision items (Section 4).
- H. Items submitted for Board review by members.
- I. New Business.
- J. Nomination and election of Directors.
- K. Adjournment.

If no quorum is present or represented by proxy, the Board may elect to continue the present Assessment and continue the present directors or adjourn the meeting to a future date within (30) days. A resignation of three (3) or more directors within a thirty (30) day period shall require a special meeting of the homeowners to elect new Board Members.

4. The Board of Directors shall be precluded from the following activities unless approval is received of two-thirds (2/3) of the members. For purposes of clarification the two-thirds (2/3) requirement set forth herein is of the entire membership and not as defined in Article I, Section 7.

- A. The execution of a mortgage or note.

B. The sale or lease of any of the Common Properties.

C. The contribution of any monies to another organization except under a contract whereby services are rendered.

D. The support of any political candidate or political party.

E. The use of the Common Properties by any group or organization for any purpose.

F. The adoption of a development plan for the Common Properties.

G. Any other item specifically required by the Bylaws.

5. Notice of the Annual Meeting or any special meeting shall be provided to every member at least two weeks in advance of the meeting.

ARTICLE XVII - MEMBER RESTRICTIONS

1. The use of the Common Properties may be restricted by rules and regulations adopted by the Board of Directors which shall only be effective upon the distribution of said rules and regulations to each member.

2. The use of property within the Subdivision is restricted by the "Deed of Restrictions" as is specified by these Bylaws. These restrictions as amended shall be enforced by the Board of Directors

3. Assessments which are not paid may result in liens against a lot within the Subdivision and said fact may be directed to the mortgagee of an owner with prior notice to the mortgagor.

ARTICLE XVIII - ASSOCIATION RESTRICTIONS

1. No legal action shall be undertaken against an owner of land within the Subdivision for violation of the "Deed of Restrictions" or failure to pay an assessment until at least two (2) written notices have been sent to the owner and at least one (1) of which shall be mailed by certified or registered mail with return receipt requested.

2. Books and records of the Association shall be made available to members within three (3) days following receipt of a written request directed to the Secretary of the Association received from such member or members.

ARTICLE XIX - AMENDMENTS

1. The Bylaws may be amended by a two-thirds (2/3) majority vote of the Directors at two (2) consecutive monthly meetings and a two-thirds (2/3) majority vote of the membership present or represented by proxy at the Annual Meeting or a special meeting called for that specific purpose.

2. Any rule or regulation adopted by the Board of Directors and which has been published to the membership may be amended by a majority vote

of the Directors at two (2) consecutive monthly meetings.

ARTICLE XX - MISCELLANEOUS

1. In case of conflict in the interpretation of the Articles of Incorporation, Deed of Restrictions, or Bylaws, the Bylaws shall control.

2. No officer or director of the Association shall be paid for services rendered to the Association, provided however, actual expenses incurred on behalf of the Association shall, upon approval of the Board, be reimbursed.

3.(A) Each person who acts as a Director or Officer of the Association shall be indemnified by the Association against expenses actually and necessarily incurred by him or her in connection with the defense of any action, suit or proceeding and/or against any judgment rendered in which he or she is made a party by reason of he or she being or having been a Director or Officer of the Association, except in relation to matters as to which he or she shall be adjudged in such action, suit or proceeding to be liable for gross negligence or willful misconduct in the performance of his or her duties.

3.(B) The right of indemnification provided herein shall inure to each Director and Officer referred to in (A) above, whether or not he or she is such a Director or Officer at the time such costs, expenses or judgments are imposed or incurred, and in

the event of his or her death, this paragraph shall extend to his or her legal representatives.

4. The reasonable costs of collection and recording fees shall be added to the dues and/or assessments and recorded as a lien against any lot in the subdivision of a member who has not paid their dues and/or assessments by a date certain to be determined annually by the Board of Directors.

RULES FOR THE COMMONS AREA

1. No swimming/no ice skating.
2. No motorized vehicles or motorized boats are to be used in the park or lake area.
3. Boats and Inflatable Rafts: Life preservers must be used for each occupant.
4. Leash Law: All dogs are to be kept on a leash at all times and owners are responsible for cleaning up their own dog's deposits.
5. Guests: Must be accompanied in the park by their host member.
6. Rules of Conduct For Health and Safety Purposes:
 - A. No running, pushing, wrestling or causing undue disturbance in or around the lake.
 - B. All persons using the lake do so at their own risk. The Association will not be responsible for any accident or injury in connection with such use.
 - C. The cost of any property damage will be charged to the responsible resident member.
 - D. No abusive language.
 - E. All bicycle riders shall allow pedestrians the right-of-way on all paths.
 - F. The Association will not be responsible for loss or damage to personal property.

COMMON PROPERTY RULES

7. No swimming/no ice skating.
8. No motorized vehicles or motorized boats are to be used in the park or lake area.
9. Boats and Inflatable Rafts: Life preservers must be used for each occupant.
10. Leash Law: All dogs are to be kept on a leash at all times and owners are responsible for cleaning up their own dog's deposits.
11. Guests: Must be accompanied in the park by their host member.
12. Rules of Conduct For Health and Safety Purposes:
 - G. No running, pushing, wrestling or causing undue disturbance in or around the lake.
 - H. All persons using the lake do so at their own risk. The Association will not be responsible for any accident or injury in connection with such use.
 - I. The cost of any property damage will be charged to the responsible resident member.
 - J. No abusive language.
 - K. All bicycle riders shall allow pedestrians the right-of-way on all paths.
 - L. The Association will not be responsible for loss or damage to personal property.

