

Return To:  
Lake Park Estates  
PO Box 422  
Redmond, OR 97756

2010-\_\_\_\_\_

The Sixth Amended Bylaws  
of  
Lake Park Estates Property Owner's Association

ARTICLE I  
NAME AND PURPOSE

Section 1.

THESE SIXTH AMENDED ARTICLES OF ASSOCIATION OF LAKE PARK ESTATES PROPERTY OWNERS incorporate all previous amendments and changes made to the Articles of Association of the Lake Park Estates Property Owners which are in effect on the date hereof and, supersede all previously recorded Amendments, changes to and versions of, said Articles of Association.

Section 2.

This Association shall be called: LAKE PARK ESTATES PROPERTY OWNERS ASSOCIATION.

Section 3.

The purpose and objects of the Association shall be to provide for the operation, maintenance, repair, rebuilding or rehabilitation of roads, streets and public ways, for the benefit of the members of the Association who have purchased lots from Lake Park Estates.

ARTICLE II  
MEMBERSHIP

All owners of a parcel of property within the above subdivision, except those lots located in Blocks 1 & 2 thereof, shall automatically become members of the Association. Any person purchasing any parcel within said area under agreement of sale and/or land sales contract shall be deemed the owner of said parcel for the purposes hereunder. Joint owners of any lot shall be entitled to one membership.

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2010-16008



\$78.00

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\$35.00 \$11.00 \$16.00 \$10.00 \$6.00

### ARTICLE III FEES AND DUTIES

#### Section 1.

a. The Board of Directors of the Lake Park Estates Property Owners Association shall annually assess each lot in the subdivision its proportionate share of the costs of maintenance of the roads, streets, and public ways in the Lake Park Estates Subdivision, which assessment shall not exceed three hundred dollars (\$300) per year per lot. The costs of said "maintenance" shall include the necessary amounts incurred by the directors for operation of the Association, insurance, bond premiums, legal advice, equipment rental, materials and labor required for such operation and maintenance.

#### Section 2.

a. Assessments for each year shall be effective October 1 of that year. The Board of Directors shall meet and set the amount of the annual assessment prior to the effective date of the assessment. The Board of Directors shall, as soon as practicable, cause to be mailed to the owner of record of each lot in the subdivision a billing statement showing the assessment against that lot. The billing for the assessment shall be due and payable on or before the effective date of the assessment. Assessments become past due 30 days after they are mailed out.

b. Property owners may elect bi-yearly payment of annual fees with one half or full payment due in October, and one half due in April, with those billings becoming past due if they are not paid within 30 days. If half payment of full payment is not received in October the account will be considered overdue and interest will be accrued even if full payment is made in April.

c. In the event that an assessment against a lot has not been paid before it is past due, the amount of the assessment, together with interest at the rate of one and one-half percent (1 ½ %) per month shall become due and constitute a lien against the said lot. Interest on past due assessments shall be compounded on a monthly basis, effective the first day of the month.

d. All assessments which are due shall constitute a lien upon the lot to which they apply without the necessity of filing a claim of lien in the Office of the County Clerk of Deschutes County, Oregon, although the filing of a claim of lien shall be additional notice of lien disclosed in the said claim of lien.

e. Liens hereunder shall have duration of six (6) years from the date that they are assessed to the property. The Association shall have the right to foreclose liens created under these Articles at any time during the duration of the said lien in the manner provided for the foreclosure of liens under the laws of the State of Oregon. Under ORS rules liens stay with the property until they are paid.

f. In the event the Board of Directors institutes procedures to collect a past due assessment or foreclose a lien, the Association shall be entitled to recover, in addition to the lien amount, any collection costs including attorney fees and court costs, including those incurred upon appeal, which it reasonably incurs.

## ARTICLE IV MEMBERSHIP MEETINGS

### Section 1. Annual Meetings

The annual membership meeting shall be held in May or June of each year as determined by the Board of Directors.

### Section 2. Special Meetings

Special membership meetings shall be called by the Secretary upon resolution of the Board, or upon petition of five percent (5%) of the voting members. The petition shall state the purpose of the meeting and may fix a period of two weeks during which the meeting may be held, provided, however, that the petition be delivered to the Secretary no less than **two** weeks before the designated period.

### Section 3. Quorum

At any annual or special meeting a quorum shall consist of members present.

### Section 4. Powers of Meeting

At a membership meeting, declarative resolutions may be adopted, and instructions may be issued to the Board of Directors, provided they do not abridge powers specifically granted to the Board by these Articles. At a special membership meeting no business may be transacted other than stated as the purpose of the meeting without the unanimous consent of the members present.

### Section 5. Voting Rights

Notwithstanding anything to the contrary herein contained, it is understood that there will not be permitted more than one (1) vote per parcel owned. Vote must be cast in person or by mail. Cumulative voting will be required for election or removal of Directors. To be counted, a ballot cast by mail must be received by the secretary before the meeting is called to order. At all meetings of the members a member may vote in person or by the member's duly authorized attorney-in-fact. Properties with accounts in past due status shall not have voting rights.

### Section 6. Notice of Meeting

There shall be not less than ten (10) days written notice given of any meeting of the membership, mailed by regular mail, postage prepaid, to the last known address of each member of the Association, stating the date, time, place and purpose of such meeting.

## ARTICLE V DIRECTORS

### Section 1. Directors

a. The management of the Association shall be vested in the Board of Directors of five persons, who shall be elected by the membership. Directors so elected shall serve for a term of two years.

b. Directors shall hold office until their successors have been elected and shall have entered upon the discharge of their duties.

c. The directors shall be limited in their authority to the contracting for the operation, maintenance, repair, rebuilding or rehabilitation of the roads, streets and public ways, and maintenance of common areas for the benefit of the members of the Association who have purchased lots within Lake Park Estates, including the right to incur necessary expenses for insurance, bond premiums, legal advice, rental of equipment, purchases of necessary materials and labor incident to operations and maintenance.

d. The Directors shall have the right to reasonable entry upon any parcel of the subdivision for the purpose of such operation and maintenance without being deemed guilty of any manner of trespass or unlawful entry.

e. No person shall be eligible for nomination for the Board of Directors, who is not current in their payment of their road assessment fees.

f. No two people from the same household, either elected or appointed, shall be on the Board of Directors.

g. All persons elected or appointed by the Board of Directors shall be unpaid volunteers, except for out-of-pocket expenses.

h. All funds of the Association shall be under the supervision of the Board of Directors and shall be handled and disposed of in such a manner and by such officers of this Association as the Board of Directors may properly authorize.

i. All checks issued by the Board of Directors shall be signed by two directors. All directors and contractors of the Association handling funds of the Association, including writing and/or signing checks on the Association, account may be bonded. Bonds, if required, will be paid for by the Association.

### Section 2. Vacancies

Any Director of this Association, who, having been duly notified, fails to attend four regular consecutive Board meetings without excuse satisfactory to the Board, shall thereby forfeit his membership hereon, and their position shall thereupon be deemed vacant.

### Section 3. Quorum

A majority of the members of the Board of Directors shall constitute a quorum necessary for the transaction of any and all business of the Association. In the event there shall be in attendance at any meeting of the Board of Directors a lesser number than a quorum, that number may adjourn the meeting to another day.

### Section 4. Contracts

Inasmuch as the Directors of the Association may be connected with businesses with which this Association may have business dealings, no contracts or other transactions between the Association and any business shall be affected by the fact that the Directors of this Association are interested in or are directors, officers or principals of such other businesses. Any director individually may be a party to, or interested in, any contract or transaction with this Association, provided (1) the "interest" of the director is disclosed to the Board, (2) the interested director may not vote on the contract or transaction, and (3) the remaining Board members must approve the transaction by a majority vote at a regular or special meeting.

### Section 5. Annual Financial Review

When the Association funds are not controlled and monitored by a bonded and licensed bookkeeper or Public Accountant outside the Association membership, the Board shall organize an internal financial review committee consisting of at least one (1) Board member not connected with the compilation of financial data and at least two (2) non-Board members who are members of the Association at the annual member meeting. This committee shall examine the various aspects of the Association's books on an annual basis. This committee shall report its findings, in writing, to the Board and a copy will be made available at the next annual membership meeting. If Association funds are handled by a bookkeeper or Public Accountant outside of the Association membership, a yearly internal financial review will be conducted by the Board of Directors. Their findings will be made available at the annual membership meeting. The Board shall arrange for an impartial Certified Public Accountant to prepare Income Tax returns.

## ARTICLE VI OFFICERS

### Section 1. Officers

a. The officers shall be: President, Vice-President, Secretary, Treasure if required, and such others as the Board may deem necessary. The President, Vice President and Secretary shall be appointed by the Board of Directors from their number at the first regular Board meeting following the annual election meeting. All officers shall hold office at the discretion of the Board.

b. If the treasurer (or licensed bookkeeper) is not a member of the Association, he/she may have a voice, but no vote at the Board meetings.

## Section 2. Duties of Officers

a. The President shall preside at all meetings of the Board of Directors and shall perform such other duties as the Directors may authorize.

b. The Vice-President, during the absence or incapacity of the President, shall perform duties of the president, and when so acting, he/she shall have all powers and be subject to all responsibilities of the office of President and shall perform such duties and functions as the Board may prescribe.

c. The Secretary shall subscribe the minutes of all meetings of the Board of Directors. He/she shall perform such other duties as the Board of Directors may authorize or direct.

d. The Treasurer (or licensed bookkeeper) shall have charge of all funds belonging to the Association and shall keep and deposit the same for and on behalf of the Association in a bank to be designated by the Board of Directors.

## ARTICLE VII MAIL VOTE

Whenever in the judgment of the Board of Directors any question shall arise which it considers should be put to a vote of the membership, and when it deems it inexpedient to call a special meeting for that purpose, it may submit the matter to the membership in writing by mail for vote and decision, and the question thus presented shall be determined according to the majority of the votes received by mail within two (2) weeks after such submissions to the membership, provided that in each case, votes of at least a majority of the members shall be received. Action taken in this manner shall be as effective as action taken at any duly called meeting.

## ARTICLE VIII LIABILITIES

Nothing herein shall constitute members of the Association as partners for any purpose. No member, officer, agent or employee shall be liable for the acts or failure to act of any other member, officer, agent or employee of the Association. Nor shall any member, officer, agent or employee be liable for his acts or failure to act under these Articles, excepting only acts or omissions arising out of his willful malfeasance.

## ARTICLE IX

### AMENDMENTS

These Articles of the Association may be amended, repealed or altered in whole or in part by a majority vote, of the members present, either in person or by mail-in ballot, at the annual membership meeting of the Association or any special meeting called for such purpose.

## RECORDING

The members of the Lake Park Estates Property Owners Association met a duly called meeting held on May 18, 2008, at the Redmond VFW, Redmond, Deschutes County, Oregon, at approximately 3:00 PM with 21 lots represented by owners in attendance, the same being considered a quorum of the membership of said Association for holding said meeting. At that meeting the members amended, in accordance with the requirements of these Articles of Association, the ARTICLES OF ASSOCIATION OF LAKE PARK ESTATES PROPERTY OWNERS which had been originally executed on June 13, 1986, and recorded in the County Clerk's Office, Deschutes County, Oregon, on August 13, 1986 in Volume 129, Page 1879, and subsequently amended and recorded, which amendments have been incorporated herein. The members of said Association also directed that a copy of these Articles of Association, as so amended, be recorded in the Office of Deschutes County Clerk to be in effect until modified, changed or terminated by a majority vote of the members voting as set forth herein.

**LAKE PARK ESTATES PROPERTY  
OWNERS ASSOCIATION**

By: Richard Brown  
President  
By: Chuck Cook  
Secretary

Chuck Cook

STATE OF OREGON )  
 )ss  
County of Deschutes )

Personally appeared Richard Brown and Chuck Cook who, being duly sworn did say that he/she is the President/Secretary, respectively, of the Lake Park Estates Property Owners Association and that said instrument was signed on behalf of said Association by Authority of its board of directors, and he/she acknowledges said instrument to be it's voluntary act and deed.

smw April 20, 2010  
Before me: April 20, 2010  
Notary Public for Oregon  
My Comm. Expires: 4/9/13

