

**AMENDED AND RESTATED BYLAWS**  
Of the  
Pinecrest Lake Property Owners Association, Inc.

**Part I**

These Amended and Restated Bylaws are made and adopted this 11<sup>th</sup> day of July, 2020, by the members of the Pinecrest Lake Property Owners Association, Inc., duly authorized to vote at a meeting called in accordance with the laws of the State of Arizona, the Articles of Incorporation and these Bylaws, and have been revised on June 24, 1995, July 4, 1998, July 11, 2015, August 17<sup>th</sup> 2018 and on July 11, 2020, (revisions footnoted). These Bylaws shall direct, define and control the actions of the Board of Directors, and the members of the Pinecrest Lake Property Owners Association, unless modified as provided herein.

These Bylaws are enacted by the owner-members of the Pinecrest Lake Property Owners Association, Inc. to interact and be considered with the Declaration of Covenants, Conditions and Restrictions of the Pinecrest Lake Subdivision recorded on September 24, 2012 Recorder Number 2012-16065 as amended on June 4, 2019 in Record Number 2019-07953 in the official records of Navajo County, Arizona.

**Part II**  
**DEFINITION OF TERMS**

**Bylaw 2.1 Definition of Terms \*\*\***

As used herein the following words and terms are defined:

- A. ASSOCIATION – Pinecrest Lake Property Owners Association, Inc., an Arizona non-profit Corporation composed of the owners of all numbered lots in the subdivision.
- B. SUBDIVISION – All real property located in and a part of the Pinecrest Lake RV Resort Subdivision as shown upon the duly recorded plats thereof in the official records of Navajo County, Arizona.
- C. RECREATIONAL VEHICLE – Any fully self-contained motor home, travel trailer, fifth-wheel or park model with a minimum length of twenty-one (21) feet, a maximum length of forty (40) feet, width not to exceed twelve (12) feet, and not to exceed four hundred (400) square feet in size. Exclusions: Trailers or motor homes with soft sides, pop-up campers of any type.
- D. RECREATIONAL VEHICLE LOT OR LOTS – A recreational vehicle lot is an individual lot as shown on the recorded plat of the Pinecrest Lake Subdivision.
- E. DECLARATION – the Declaration of Covenants, Conditions, and Restrictions of the Pinecrest Lake Subdivision, as recorded in Recorder Number 2012-16065 of the Navajo County Recorder.
- F. MEMBER – Every person or entity entitled to membership as provided in ARTICLE IV (I) of the Declaration.
- G. MEMBER IN GOOD STANDING – Any member who is not in arrears in payment of any amounts due the Association or who has not been declared in violation or default with respect to the terms and requirements of the Declaration or these Bylaws.

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.

\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.

\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.

\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018

\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

- H. OWNER – The owner or owners of record of the fee simple title to any lot of the Subdivision.
- I. COMMON AREA – All real property of the Subdivision (EXCEPTING the portion specifically designated as numbered lots); owned and used by the Association for the common use and enjoyment of the owner-members.
- J. BOARD – The duly elected Board of Directors of the Association.
- K. ASSESSMENT – An amount to be paid by all property owners to the Association for use, maintenance, improvement, repair or replacement of the Common Area or capital improvement within the Common Area.
- L. “HIS” OR “HERS” – As used herein, the terms “his” or “hers” are used interchangeably to include the masculine and feminine genders.

### **Part III MEMBERSHIP**

#### **Bylaw 3.1 Qualifications**

Membership in the Association is limited to owners of lots in the Subdivision. An owner of a lot shall automatically, upon becoming the owner, be a member of the Association, and shall remain a member of the Association until such time as his ownership ceases for any reason, at which time his membership in the Association shall automatically terminate. Ownership of a lot shall be the sole qualification and criterion for membership.

#### **Bylaw 3.2 Transfer of Membership**

Membership in the Association shall not be transferred, pledged, or alienated in any way except on the sale of such lot and then only to such purchaser, or by intestate succession, testamentary disposition, foreclosure of mortgage of record or other legal process. Any attempt to make a prohibited transfer is void and will not be reflected upon the books and records of the Association. In the event the owner of any lot should fail or refuse to transfer the membership registered in his name to the purchaser of such lot, the Association shall have the right to record the transfer upon the books of the Association and issue a new membership for the purchaser and thereupon the old membership outstanding in the name of the seller shall be null and void as though the same had been surrendered. ARTICLE IV paragraph I of the Declaration refers.

### **Part IV MEETINGS OF MEMBERS**

#### **Bylaw 4.1 Annual Meeting \*\***

The annual meeting of the members shall be held at the Subdivision on the second Saturday of July at 9:00 a.m. of each year. The purpose of such annual meeting shall be to elect Directors, receive reports of officers, present the approved budget for the next fiscal year and transact such other business as may come before the meeting.

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.

\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.

\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.

\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018

\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

**Bylaw 4.2 Intentionally Omitted \*\*\*\*\*****Bylaw 4.3 Special Meetings \*\*\*\*\***

A special meeting of the members may be called by the President, Board of Directors or upon the written request signed by twenty-five (25) members. Each call shall be in writing and shall state the time, place, and purpose of that meeting. Promptly upon receipt of such call, the Secretary of the Association shall cause notice of such meeting to be given as hereinafter provided. No business shall be conducted at a special meeting which is not included in the statement of purpose set forth in the call and notice of that meeting.

**Bylaw 4.4 Notice of Meetings \*\*\*\*\***

Written notice of each annual or special meeting of the members shall be given under the supervision of the Board Secretary to each member not less than ten (10) nor more than sixty (60) days prior to the meeting. Such notice shall be delivered to the members in person or mailed thereto at his post office address as the same appears in the records of the Association, and such mailed notice shall be deemed to be delivered when deposited in the United States Mail with postage thereon prepaid. Failure of any member to receive notice of the meeting so mailed shall not invalidate any action taken by the members at the meeting, and any member may waive, and shall waive by attendance in person at the meeting, any notice of meeting required to be given by these Bylaws.

**Bylaw 4.5 Quorum \*\*\*\*\***

The combined representation at each meeting of eligible voting members present in person or by an official absentee ballot from absent members entitled to vote constituting thirty-five percent (35%) of eligible voters shall constitute a quorum for any action except as otherwise provided in the Declaration or these Bylaws. If such quorum shall not be present or represented at the meeting, the meeting may be adjourned and recalled one (1) week later.

**Bylaw 4.6 Voting Rights \***

At each meeting of the members, each member in good standing may vote in person or by an absentee ballot. A jointly held membership based upon a jointly owned lot shall be entitled to a single vote. There shall be one voting ballot per lot. Questions shall be decided by a majority of the members voting thereon except as otherwise required by law, the Declaration, or these Bylaws.

**Bylaw 4.7 Voting Ballot Procedures \*\*\*\*\***

Any member of the Association possessing the right to vote and in good standing shall be entitled to vote in any election of Directors or on any other matter presented to the membership.

**Bylaw 4.8 Order of Business Intentionally Omitted \*\*\*\*\***

## **Part V BOARD OF DIRECTORS**

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.

\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.

\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.

\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018

\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

**Bylaw 5.1 Number \*\*\*\*\***

The Board of Directors shall consist of five (5) to seven (7) members but shall be an odd number except when there is a vacancy. The Board shall determine the number (5 or 7) prior to a call for candidates for the annual election.

**Bylaw 5.2 Term of Office \*\*\*\*\***

The term of office of each Director shall be two (2) years commencing upon the adjournment of the membership annual meeting at which elected and terminating upon adjournment of the membership meeting at which his successor is duly elected. Of the seven (7) Directors, three (3) shall be elected on the odd numbered year and four (4) on the even numbered year (if five (5) Directors, the numbers will be two (2) and three (3)).

**Bylaw 5.3 Qualifications \*\*\*\*\***

No person shall be eligible for election or service as a member of the Board who is not an owner or co-owner of a lot. No two (2) members from one (1) household may serve on the Board of Directors or as alternate director simultaneously regardless of how many lots they may own.

A homeowner who has his/her principal Pinecrest residence property up for sale shall not be eligible for election to the Pinecrest Lake Property Owners Association Board of Directors.

A Board member who places his/her principal Pinecrest residence property up for sale is required to resign from the Board within 15 days of placing said property up for sale.

Any homeowner who is delinquent in their assessment or in violation of the Declaration shall not be eligible to run for Pinecrest Board of Directors.

**Bylaw 5.4 Nomination and Election of Directors \*\*\*\*\***

- A. NOMINATION- Candidates can submit their names to the secretary of the Board. Only members in good standing may be nominated. Nominations may also be made from the floor at the annual meeting by members in good standing only. Write-in candidates shall be permitted.
- B. BALLOT – A ballot containing the names of all the qualified nominees duly nominated will be voted.
- C. ELECTION – Election of the Board of Directors shall be by written ballot and the ballots of all voting members both absent and present will be counted at the same time.
- D. UNCONTESTED ELECTIONS – In the absence of more than a single candidate for each regular full term Director position to be filled, and there are no partial terms to be filled, no ballot shall be cast and the candidates shall be declared to have been elected.

**Bylaw 5.5 Vacancies and Absences \*\*\*\*\***

- \*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.
- \*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.
- \*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.
- \*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018
- \*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

Should it become necessary to replace board members because of vacancies (other than removal by the members), the President shall make an appointment with a majority approval of the Board of Directors. On removal as provided by statute, the provision of Arizona law control.

#### **Bylaw 5.6 Disqualification**

Termination of a director's membership in the Association shall automatically terminate membership on the Board of Directors.

#### **Bylaw 5.7 Removal of Director \***

Any director shall be removed from the Board for cause by vote of a majority of the seated Directors. The following conduct illustrates what would constitute cause:

1. Not a member in good standing.
2. Three unexcused absences from regularly scheduled meetings of the Board.

Absence due to sickness or stressful personal matters will be considered excused.

The Directors may be removed at any time by a majority vote of the members of the Association present in person or by absentee ballot at a Special Meeting, or at a Regular Meeting, provided that the removal of a member of the Board of Directors is duly noticed at the time the notices for said meeting are posted.

#### **Bylaw 5.8 Compensation of Directors**

No Director or any member of his family shall receive compensation for any service he may render to the Association. However, any Director may be reimbursed for actual expenses incurred in the performance of his duties.

#### **Bylaw 5.9 Powers and Duties of the Board of Directors \***

The authority and duties of the Board of Directors shall include the following as well as such other powers and duties as may be invested in the Board by law:

- A. The Board shall have general supervision and control over and shall manage and conduct the affairs and business of the Association and shall make all necessary rules and regulation, not inconsistent with law or with the Declaration, Articles of Incorporation or these Bylaws, for the management of the Association, its property and the guidance of the officers and Directors of the Association.
- B. The Board shall cause to be kept a complete record of all its acts and proceedings, and shall present a full statement and report at each annual meeting showing in reasonable detail the condition of the Association's affairs.
- C. The Board will cause to be established and maintained a complete accounting system and, after the close of each fiscal year, cause to be made a full and complete audit of the accounts, books and financial condition of the Association as of the end of each fiscal year. Such audit report shall be submitted to the members at the September meeting.
- D. The Board shall exercise for and on behalf of the Association all power, authority and duties delegated and conferred to the Association by the Declaration.
- E. The Board shall adopt and publish rules and regulations governing the use of the Subdivision common area, streets, building, and recreational facilities and the personal conduct of the members and/or their guests, tenants, renters and/or their guests within the Subdivision and establish penalties for the violation thereof.

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.

\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.

\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.

\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018

\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

- F. The Board shall constantly maintain the Association common area, buildings, facilities and other property in good useable conditions within the expenditure limitations of the annual budget. Any expenditure, in excess of the approved fiscal year budget, requires approval of a majority of the seated Directors.
- G. On matters requiring fast action and insufficient lead time for a special meeting, Directors have the right, with approval of a majority of the Board, to arrive at a collective decision through electronic means. Such action, with majority approval, shall have the same effect as if arrived at in a regular or special meeting of the Board when the action taken is properly recorded in the minutes of the Board and ratified at the following meeting.
- H. After the preparation of the budget for the next fiscal year, the Board shall inform the members in writing, at least thirty (30) days in advance of the annual meeting, of the amount of the annual assessment against each lot. Such notification will be accompanied by a copy of the projected budget, statement of income and disbursements, notice of annual meeting, and any other material deemed appropriate.
- I. The Board shall enforce all provisions of the Declaration and these Bylaws and initiate all actions and procedures for the violation thereof.
- J. The Board shall procure and maintain adequate fire, hazard and liability insurance including insurance protecting the Board and Association against liability arising out of their functions and activities. The Board may also provide any officer or employee having fiscal responsibilities an adequate bond covering their duties and performance.
- K. In addition to the foregoing express authority and duties, the Board may exercise such powers and do such lawful acts as it may find to be proper and necessary or expedient for accomplishing any of the lawful purposes of the Association.
- L. The Board shall not incur aggregate expenditures for capital improvements to the Common Area in any fiscal year in excess of ten percent (10%) of the budgeted gross expenses of the Association for the fiscal year, unless approved by fifty-one percent (51%) of the Association members.
- M. The Board shall not enter into a contract with a third person wherein the third person will furnish goods or services for the Common Area of the Association for a term longer than one (1) year.

## **Part VI MEETING OF DIRECTORS**

### **Bylaw 6.1 Annual Meeting**

- \*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.
- \*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.
- \*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.
- \*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018
- \*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

An annual meeting of the Board of Directors shall be held within ten (10) days after each annual meeting of the Association for the purpose of organizing, electing officers and transacting such other business as may come before the meeting.

**Bylaw 6.2 Regular Meetings \***

During the months of May through September a regular meeting of the Board of Directors shall be held each month at such time and place as the Board may designate. Other meetings may be held without notice other than the action of fixing the time and place thereof.

Regular meetings held during the months of May through September shall be posted in the monthly calendar of the Pinecrest Lake activities.

During the months of October through April, meetings of the Board of Directors shall be called as required and as specified in Bylaw 6.3 entitled Special Meetings.

**Bylaw 6.3 Special Meetings \*\*\*\*\***

Special meeting of the Board of Directors shall be called by the President of the Board or by any two (2) Directors. All Board members shall be notified and any business specified in the call and notice may be transacted at a special meeting. Notice of any meeting shall be waived by attendance at the meeting.

**Bylaw 6.4 Quorum \*\*\*\*\***

A majority of the Directors then in office shall constitute a quorum for business.

**Bylaw 6.5 Order of Business at Board Meetings\*\*\*\*\***

The order of business at each regular meeting of the Board of Directors and so far as feasible at each other meeting shall be substantially as follows:

1. Roll call of Board members.
2. Report of Secretary on quorum.
3. Reading of Minutes.
4. Treasurer's Report.
5. Report of Committees.
6. Unfinished business.
7. New Business.
8. Good of the Association.
9. Adjournment.

**Part VII  
OFFICERS AND THEIR DUTIES**

**Bylaw 7.1 Enumerated**

The officers of the Association shall be a President, a Vice President, a Secretary and a Treasurer who shall be members of the Board of Directors. The Board of Directors may appoint one or more Assistant Secretaries or Assistant Treasurers and specify the duties thereof.

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.

\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.

\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.

\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018

\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

**Bylaw 7.2 Election and Term of Office**

Each officer shall be elected annually by the Board of Directors at its annual meeting and shall hold office until his successor shall have been duly elected and qualified. No person shall serve as President more than two (2) consecutive years without sitting out a minimum of one (1) year after the second year.

**Bylaw 7.3 President**

The President shall be the principal officer of the Association and shall preside over meetings of the Association and the Board of Directors. The President shall sign for and on behalf of the Association all documents and instruments including but not limited to leases, mortgages, deeds, checks and promissory notes, except when the signing and execution thereof shall be expressly delegated by the Board of Directors or these Bylaws to some other officer or agent of the Association. The President shall call such special meeting of the Association and the Board of Directors as deemed advisable and shall see that all order and resolutions of the Board are carried out. The President shall perform such other duties as may be properly required of the office under the Bylaws or by the Board of Directors and shall be an Ex-Officio member of all committees.

**Bylaw 7.4 Vice-President**

In the absence of the President, or in the event of the President's inability or refusal to act, the Vice-President shall perform the duties of President, and when so acting shall have all the powers of the President and shall perform such other duties as from time to time may be assigned by the Board of Directors.

**Bylaw 7.5 Secretary**

The Secretary shall serve as Secretary of the Association and the Board of Directors and shall supervise the keeping of the complete record of all meetings and proceedings. The Secretary shall keep and maintain appropriate membership records containing the current names, addresses and lot numbers of all members and designated voters. The Secretary shall have custody of the corporate seal and shall sign on behalf of the Association and affix the corporate seal, and otherwise as may be authorized by the Board of Directors. The Secretary shall serve, or cause properly to be served, all notices required by law, these Bylaws and Declaration, including all amendments thereto which documents shall be open to inspection by any member at all reasonable hours, and at the expense of the Association, the Secretary shall supply a copy of the Bylaws and Declaration and all amendments thereto to each member of the Association. In general, the Secretary shall perform such duties and functions as from time to time shall be required of the office by the Association or the Board of Directors. In the absence of the President and Vice-President, the Secretary shall act in their place. The Secretary shall also serve as Chairman of the Credentials Committee.

**Bylaw 7.6 Treasurer \*\*\*\*\***

The Treasurer shall be responsible for all funds and securities of the Association. The Treasurer or through the use of an authorized CPA shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by the Board of Directors. The Treasurer or the CPA will authorize and/or sign all checks and promissory notes of the Association (another board member may stand in for the Treasurer when the Treasurer is unavailable). This authorization may be in

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.

\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.

\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.

\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018

\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020



the form of an email or other form readily convertible to paper or electronic files of the Association. Further, the Board may appoint an independent accountant to provide one of the authorizations required for expenditures not to exceed \$5,000.00 (five /thousand dollars). Any deficiency in the receipt of disbursement approvals may be cured by presenting the issue at the next board of directors meeting and, after review, an affirmative vote of the Board of Directors. The Board of directors may also approve of recurring expenditures in advance. The Treasure may enlist the services of outside personnel to discharge these responsibilities. In the event the Treasurer is unavailable to authorize payment of association obligations, another board member may authorize payment of such obligation. The Treasurer or through the CPA, will keep proper books of account and cause audit procedures of the Associations financial records at the end of each fiscal year. Also, the Treasurer will prepare an annual budget and a statement of income and disbursements to be presented to the Association membership at its annual meeting and delivered as hereinabove set forth in Bylaw 5.9 (H). The treasurer and CPA have the authority to use online banking services for all reoccurring monthly bills. In addition the Treasurer may use a credit card and /or debit card subject to the Board of Directors oversight. In the absence of the President, Vice-President, and Secretary, the Treasurer shall act in their place. In general, the Treasurer will perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the Board of Directors.

## **Part VIII COMMITTEES**

### **Bylaw 8.1 Standing Committees \*\*\*\*,\*\*\*\*\***

The President, with the consent of the Board of Directors, may appoint the following standing committees, each consisting of a Board member which will be the chairman and at least three (3) other members of the Association in good standing. Except for the Credentials Committee.

- A. Architectural Review Committee to approve the condition, appearance, placement, construction, remodeling, repairs and landscaping of all Recreational Vehicles as defined by Bylaw 2.1 (C), structures, and improvements located on all lots of the Subdivision and to enforce the provisions of ARTICLE II of the Declaration as it relates thereto.
- B. Nominating Committee to nominate members in good standing for election to the Board of Directors as provided in Bylaw 5.4.
- C. Credentials Committee to attend all membership elections and assure that voting is performed only by eligible members.
- D. Budget and Finance Committee to review the financial records of the Association and prepare a budget for the next fiscal year that anticipates the needs and requirements of the Association.
- E. Audit Committee to inspect and audit the financial records of the Association for the previous fiscal year.
- F. Any other committees that may be required or appointed by the Board.

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.

\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.

\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.

\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018

\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

## **Part IX ACCOUNTS, BOOKS AND RECORDS**

### **Bylaw 9.1 Accounts \*\*\*\*\***

The following management standards of performance will be followed unless the Board by resolution specifically determines otherwise:

- A. Cash accounting, as defined by generally accepted accounting principles, shall be employed.
- B. Accounting and controls should conform with established American Institute of Certified Public Accountants (AICPA) guidelines and principles. A segregation of accounting duties should be maintained and disbursement by check shall require two (2) signatures. Cash disbursement amounts shall be determined by the Board at the beginning of each fiscal year.
- C. Cash accounts of the Association shall not be commingled with any other accounts.

### **Bylaw 9.2 Where Kept \*\*\*\*\***

All books, records and documents of the Association, which are electronic shall be kept in the office or in the office of the authorized CPA under contract for the current fiscal year or the PPOA office. Fiscal year is July 1<sup>st</sup> thru June 30<sup>th</sup>. These records shall be available to any member upon request to the Secretary and or Treasurer within a reasonable time in advance.

### **Bylaw 9.3 Surrender of Records to Successor**

Each Board Member, Officer, Chairperson and Committee shall deliver any Association keys, property and records to his successor within ten (10) days after the annual meeting and when appropriate, give such advice and assistance to the successor to assure continuity and efficiency in the office or position.

## **Part X VIOLATION-ENFORCEMENT OF COVENANTS OTHER THAN FOR DELINQUENT ASSESSMENTS**

### **Bylaw 10.1 Demand**

In the event of a violation (other than the nonpayment of an assessment) by a lot owner of any of the provisions of the Conditions, Covenants and Restrictions, these Bylaws, or applicable law of the State of Arizona, the Association, by direction of its Board of Directors, shall send a written demand to the lot owner, in the same manner as notice of any meeting, to cease and desist from an alleged violation, specifying the alleged violation, the action required to abate the violation, and a time period, not less than ten (10) days, during which the violation may be abated without further sanction, if such violation is a continuing one, or a statement that any further violation of the same rule may result in the imposition of a sanction after notice and hearing, if the violation is not a continuing one.

### **Bylaw 10.2 Notice**

At any time within twelve (12) months of such demand, if the violation continues past the period allowed in the demand for abatement without penalty or if the same rule is subsequently violated, the Board or its delegate shall serve the violator with written notice of a hearing to be held by the Board of Directors in executive session. The notices shall contain:

- A. The nature of the alleged violation.

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.

\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.

\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.

\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018

\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

- B. The time and place of the hearing, which time shall not be less than ten (10) days from the giving of the notice.
- C. An invitation to attend the hearing and produce any statement, evidence, and witness on his or her behalf.
- D. The proposed sanction to be imposed.

### **Bylaw 10.3 Hearing**

The hearing shall be held in executive session pursuant to this notice affording the members a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder, proof of notice and the invitation to be heard shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery is entered by the Officer, Director, or agent who delivered such notice. The notice requirement shall be deemed satisfied if the alleged violator appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed. The available sanctions which may be imposed by the Association include, but are not limited to:

- A. An action at law to recover for its damage on behalf of the Association or on behalf of its lot owners.
- B. An action in equity to enforce performance on the part of the violating lot owner.
- C. An action in equity for such equitable relief as may be necessary under the circumstances, including injunctive relief.

In addition, the Association may recover its attorney's fees and costs incurred in enforcing the covenant.

### **Bylaw 10.4 Time Frame**

Failure on the part of the Association to maintain such an action at law or in equity within one hundred and eighty (180) days of the date of a written request, signed by a Lot Owner, sent to the Board of Directors, shall authorize any lot owner, to bring an action in equity or suit at law on account of violations. However, if any Lot Owner maintains such an action individually, he should indemnify and hold harmless the Association from all damages, claims, costs, or attorney's fees, arising out of such action.

### **Bylaw 10.5 Hazardous to the Public Health**

Any violations which are deemed by the Board of Directors to be hazardous to the public health may be corrected immediately as an emergency matter.

## **Part XI ASSESSMENTS**

### **Bylaw 11.1 Liability of Owner \*,\*\*\*\*\***

As more fully provided in the Declaration, each member-owner is obligated to pay the Association annual and special assessments which shall be secured by a continuing lien on the lot. Any assessments which are not paid when due, shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, a late fee set by the Board shall be charged. The Board of Directors on behalf of the Association may bring an action at law against the owner personally obligated to settle the lien against the property in which event the interest, cost, reasonable collection fees and reasonable attorney fees

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.

\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.

\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.

\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018

\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

shall be added to the amount of the assessment. No owner may waive or otherwise escape liability for the assessment by non-use of the common area or abandonment of a lot.

**Bylaw 11.2 Assessment Time Frame \*\*\***

The annual assessment is for the fiscal year July 1 through June 30.

**Bylaw 11.3 Fiscal Year**

The fiscal year shall be from July 1 to June 30 of the following year.

**Part XII  
MEMBER AND TENANT RESPONSIBILITIES**

**Bylaw 12.1 Enforcement of Use Restrictions**

All Association members and their tenants are required to observe and enforce all use restrictions set forth in the Declaration and all rules and regulations passed by the Board of Directors. Member owners shall be responsible at all times for the acts, conduct and use of their tenants and guests which take place within the Subdivision.

**Part XIII  
Property Rights**

**Bylaw 13.1 Property Rights**

Each member of this Association shall have an interest in all of the Property owned by this Association, as shown on the plat of the Subdivision hereof, as is represented by the ratio of the number of votes to which said member is entitled to the total number of votes in the Association. Such interest is and shall be appurtenant to the Lot of building sites in all said Property which qualifies such person for membership in this Association.

**Part XIV  
LEGAL EFFECT OF BYLAWS**

**Bylaw 14.1 Supersedes all Others \*\*\*\*\***

These revised Bylaws supersede, replace and take the place of all previous Bylaws and Manual of Operations enacted by the Association and shall take effect \_\_\_\_\_, 2020.

**Bylaw 14.2 Declaration Controls**

In case of any conflict between the Declaration and these Bylaws, the Declaration will control.

**Bylaw 14.3 Rules or Order at Meetings**

Reasonable and required parliamentary procedures shall be observed by the Board of Directors.

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.

\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.

\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.

\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018

\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020

**Part XV  
AMENDMENTS**

**Bylaw 15.1 Amendments \*\*\***

These Bylaws may be altered, amended, or repealed by a super majority vote of at least thirty five percent (35%) of the total designated lot owners eligible to vote, provided the notice of meeting shall have contained a copy of the proposed alteration, amendment or repeal.

**Part XVI  
SEVERABILITY**

**Bylaw 16.1 Severability**

In the event of any provision or part of these Bylaws shall be finally determined by a court of competent jurisdiction to be invalid, the remaining provisions shall be and remain in full force and effect.

IN WITNESS WHEREOF the undersigned Pinecrest Lake Property Owners Association, Inc., a non-profit corporation of the State of Arizona, has caused its name to be signed and seal affixed by its officer duly authorized thereto by order of its Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

President PPOA \_\_\_\_\_

Secretary PPOA \_\_\_\_\_

State of Arizona }

}

County of Navajo }

}

ss.

**ACKNOWLEDGEMENT**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the individual(s) who executed the foregoing instrument and acknowledged that they executed the same for the purpose therein contained.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on June 14, 1995.  
\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 4, 1998.  
\*\*\*Revisions to these Bylaws of the Association at a duly called meeting of the Association on July 11, 2015.  
\*\*\*\*Revisions to these Bylaws of the Association at a duly held election on August 17<sup>th</sup> 2018  
\*\*\*\*\* Revisions to these Bylaws of the Association at a duly held election of the Association on July 11, 2020