

2013-03892

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BY-LAWS

OF

Requested By: Pine Meadows Country Club Estates  
Navajo County Recorder - Laurette Justman  
03-13-2013 11:01 AM Recording Fee \$22.00

**PINE MEADOWS COUNTRY CLUB ESTATES HOMEOWNERS ASSOCIATION, INC.**  
**As Amended 7/24/2010**

**PART I**

**MEMBERSHIP**

**BY-LAW 1.01 MEMBERSHIP**

Membership in this non-profit Association is derived from the ownership by a party of any portion of the real property which is subject to the Declaration of Covenants, Conditions, and Restrictions of Pine Meadows Country Club Estates, recorded in Docket 828, Pages 586-597 and as amended Docket 839, Pages 573-575 of the records of the Navajo County Recorder (the "Declaration"). Membership shall include an undertaking by the member to comply with and be bound by these Bylaws and Amendments hereto, and the policies, rules, and regulations at any time adopted by the Association in accordance with these Bylaws, including the PMHA Covenants, Conditions, & Restrictions (CC&R's).. Membership shall include a requirement to pay a yearly assessment determined by the elected Board of Directors of the Association. Membership in this Association shall terminate upon such member ceasing to be a beneficial owner of a residential building site, lot, or unit in or on the property described hereinbefore.

**PART II**

**DEFINITION OF TERMS**

**BY-LAW 2.01 DEFINITION OF TERMS**

As used herein, the following words and terms are defined:

A. ASSOCIATION: Pine Meadows Homeowners 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 116 lot Subdivision as shown upon the duly recorded Plats thereof in the official records of Navajo County, Arizona.

C. DECLARATION: The Declaration of Covenants, Conditions, and Restrictions of the Pine Meadows Country Club Estates, as recorded in Docket 828, pages 586-697 inclusive, of the Navajo County Recorder and as amended in Docket 839, pages 573-575.



D. **MEMBER:** Every person or entity entitled to membership as provided in the Amendment to the Declaration.

E. **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 Declarations or these By-Laws.

F. **OWNER:** The owner or owners of record of the fee simple title to any lot of the Subdivision.

G. **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.

H. **BOARD:** The duly elected Board of Directors of the Association.

I. **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.

J. **"HIS" OR "HERS":** As used herein, the terms "his" or "hers" are used interchangeably, to include the masculine and feminine genders.

### PART III

#### QUALIFICATION AND TRANSFER OF MEMBERSHIP

##### BY-LAW 3.01 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.

##### BY-LAW 3.02 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 purchase and thereupon the old membership outstanding in the name of the seller shall be null and void as though the same had been surrendered.

## PART IV

### MEETINGS OF MEMBERS

#### BY-LAW 4.01 ANNUAL MEETING

The annual meeting of the members shall be held at such time and place as determined by the Board of Directors. The purpose of such annual meeting shall be to elect Directors, receive reports of officers, and transact such other business as may come before the meeting.

#### BY-LAW 4.02 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.

#### BY-LAW 4.03 NOTICE OF MEETINGS

Written notice of each annual or special meeting of the members shall be given under the supervision of the Secretary to each member not less than thirty (30) nor more than sixty (60) days prior to the meeting. Such notice shall be delivered to the member in person or mailed thereto at the member's mailing address as the name 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.

#### BY-LAW 4.04 QUORUM

The combined representation at each meeting of eligible voting members present in person, or by those voting in any manner permissible by law including a mail-in ballot who are entitled to vote, constituting twenty-five percent (25%) 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 at a time to be determined by the Board.

#### **BY-LAW 4.05 VOTING RIGHTS**

At each meeting of the members, each member in good standing may vote in person or by mail-in ballot, or in any manner permissible by law. 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.

#### **BY-LAW 4.06 VOTING BALLOT PROCEDURES**

Any member of the Association possessing the right to vote shall be entitled to vote in any election of Directors at a membership meeting either by casting his ballot by mail as provided in these Bylaws, by voting in person at the meeting or in any manner permissible by law. In addition, the Board of Directors, prior to notice of any meeting of the members of the Association, shall direct the Secretary of the Association to prepare and mail to each member, along with the notice of that meeting, a ballot, containing all questions which are expected to be voted upon at the meeting together with a voting envelope. Any member may cast his ballot on any or all of said matters by sealing and placing the same in the voting envelope which ballot shall be secret and contain no markings that can identify the voter. The member then completes his voting by placing the voting envelope in a transmittal envelope which shall be addressed to the Secretary and contain on its exterior the name of the voting member together with his lot number. Upon receiving such transmittal envelope containing the voting envelope, the Secretary or his or her designate (if the Secretary is on the ballot) will check off the lot number(s) of the voting member from the list of eligible voters, remove the voting envelope containing the ballot and place the same, unopened, in the ballot box. All votes so cast shall be counted at the time of the election meeting as if the members so voting were present and voting in person. A member voting by mail shall not be entitled to vote in person at the meeting. A mailed ballot not received by the Secretary before convening the meeting shall not be counted. Failure of any member to receive a ballot or voting envelope for voting by mail shall not invalidate any action which may be taken by the members of the Association at the meeting.

#### **BY-LAW 4.07 ORDER OF BUSINESS**

The order of business at each annual meeting of the members and so far as feasible at each other meeting of the members shall be substantially as follows:

1. Report of Secretary on quorum.
2. Reading of the notice of the meeting and proof of service thereof.
3. Reading of any unapproved minutes of previous meetings of the members, and the taking of necessary action thereon.



4. Presentation and consideration of, and action upon, reports of Officers, Directors, and Committees.
5. Election of Directors, where applicable.
6. Unfinished business.
7. New business.
8. Adjournment.

## PART V

### BOARD OF DIRECTORS

#### BY-LAW 5.01 NUMBER

The Board of Directors shall consist of five (5) Directors and two (2) alternate directors.

#### BY-LAW 5.02 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 five (5) Directors, three (3) shall be elected on the odd numbered year and two (2) on the even numbered year. Two (2) alternate directors shall be elected annually for a one (1) year term and they will participate in the proceedings and business of the Board, but may only vote when called upon to fill the seat of an absent member of the Board.

#### BY-LAW 5.03 QUALIFICATIONS

No person shall be eligible for election or service as a Director of the Board or alternate Director 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 Directors simultaneously, regardless of how many lots they may own.

A homeowner who has his principal Pine Meadows Country Club residence property up for sale shall not be eligible for election to the Association Board of Directors.

A Board member who places his principal Pine Meadows Country Club residence property up for sale is required to resign from the Board within 15 days of placing said property up for sale.

#### BY-LAW 5.04 NOMINATION AND ELECTION OF DIRECTORS AND ALTERNATE DIRECTORS

A. NOMINATION - Nomination for election to the Board of Directors shall be in a manner determined by the Board of Directors or as follows: by a Nominating Committee



consisting of a Chairperson, who shall be a member of the Board of Directors, and at least two (2) more members of the Association. The Committee will be appointed by the President and the Board. The Committee will nominate as many candidates for election to the Board of Directors as it shall deem appropriate. Only members in good standing may be nominated. Nominations may also be made from the floor at the annual meeting.

B. BALLOT - A ballot containing the names of all the qualified nominees duly nominated as herein above provided, alphabetically arranged, shall be mailed with the notice of the annual meeting, together with a statement by the Secretary of the number of Directors and Alternate Directors to be elected. Such statement shall also state the manner in which members may vote by mail as provided in these Bylaws. The mailed ballot shall be enclosed in a sealed envelope containing no marks identifying the voter and which in turn is enclosed in a separate sealed envelope addressed to the Secretary and containing the member's lot number(s). When such ballot is received from the absent eligible voting member, it shall be accepted and counted as a vote for Directors by ballot of such absent member at such meeting.

C. ELECTION - Election of the Board of Directors shall be by secret written ballot and the ballots of all voting members both absent and present will be counted at the same time. The President, with the concurrence of the Board, will appoint a non-candidate Director and one at large member to count the ballots. After the ballot counters have been named, each candidate has the right, personally or by representative, to witness the counting of the ballots. In case of a tie, the members of the board not standing for election shall determine by lot which of the persons shall be declared elected. Candidates receiving the highest number of votes shall be declared elected. Thus in odd years the three (3) persons, and in even years, the two (2) persons, receiving the highest number of votes will be declared elected to the Board of Directors. In each year the persons receiving the next highest number of votes in descending order will be declared elected Alternate Director number one (1), and two (2).

#### **BY-LAW 5.05 VACANCIES AND ABSENCES**

In the event of the absence, death, resignation, or removal of a Director, the first alternate Director will be called up by the President to serve for the temporary absence or unexpired term, as the case may be. Until called upon in such event and alternate Director will take part but not vote in the proceedings of the Board. Should it become necessary to add other alternates, the President shall make an appointment with a majority approval of the Board of Directors.

#### **BY-LAW 5.06 DISQUALIFICATION**

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



#### **BY-LAW 5.07 REMOVAL OF DIRECTOR**

Any Director shall be removed from the Board for cause by vote of at least three (3) Directors. The following conduct illustrates what would constitute cause:

1. Not a member in good standing.
2. Three unexcused absences from regularly scheduled meeting 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.

#### **BY-LAW 5.08 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.

#### **BY-LAW 5.09 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 regulations, not inconsistent with law or with the Declaration, Articles of Incorporation, or these By-Laws, 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 annual meeting.

D. The board shall exercise for and on behalf of the Association, all power, authority, and duties delegated and conferred to the Association or the Board by law, the Declaration, or these bylaws.

E. The Board shall adopt and publish rules and regulation governing the use of



the Subdivision common areas, and the personal conduct of the members and/or their guests, with the Subdivision and establish penalties for the violation thereof.

F. The Board shall constantly maintain the Association common areas in good, usable conditions within the expenditure limitations of the association's resources. Any expenditure in excess of the existing resources requires approval of three (3) of the five (5) members on the Board of Directors, and approval by a majority of the Association members.

G. On matters requiring fast action with insufficient lead time for a special meeting, Directors have the right, with the approval of a majority of the Board, to arrive at a collective decision through electronic means. Such action with a 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. The Board shall inform the members in writing in advance of the annual meeting the amount of the annual assessment against each lot. Such notification will be accompanied by any other material deemed appropriate.

I. The Board shall enforce all provisions of the Declaration and these By-Laws, 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. Indemnification: To the extent it has the power to do so under the Arizona Nonprofit Corporation Act, A.R.S. S10-2301, et seq., the Association shall indemnify any person who was or is a party to, or is threatened to be made a party to, any threatened, pending, or completed action, suit or proceedings, whether civil, criminal, administrative, or investigative, other than an action by or in the right of the Association by reason of the fact that he is or was a member, Director, officer, employee, or agent of the Association or is or was serving at the request of the Association as a member, Director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, against expenses, including attorneys' fees, and against judgments, fines, and amounts paid in settlement, actually and reasonably incurred by him in connection with such action, suit, or proceeding, if he acted, or failed to act, in good faith and in a manner he reasonably believed to be in or not opposed to the best interest of the Association and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. Indemnification of any such person shall be made in accordance with the procedures set forth in the Arizona Nonprofit Corporation Act.



L. 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.

## **PART VI**

### **MEETINGS OF DIRECTORS**

#### **BY-LAW 6.01 ANNUAL MEETING**

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 board.

#### **BY-LAW 6.02 REGULAR MEETINGS**

During the months of April through October 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 as deemed necessary by the Board.

During the months of November through March, meeting of the Board of Directors shall be called as required and as specified in Bylaw 6.03 entitled Special Meetings.

#### **BY-LAW 6.03 SPECIAL MEETINGS**

Special meetings of the Board of Directors shall be called by the President of the Board or by any two (2) Directors. All Board members and Alternates 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.

#### **BY-LAW 6.04 QUORUM**

No decision can be made without a three (3) member quorum being present; therefore making three (3) members or alternates a quorum of the five (5) member Board.

#### **BY-LAW 6.05 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. Call up of Alternate Directors to fill positions of absent Board Members.
4. Reading of Minutes.



5. Treasurer's Report.
6. Report of Committees.
7. Unfinished Business.
8. New Business.
9. Good of the Association.
10. Adjournment.

## PART VII

### OFFICERS AND THEIR DUTIES

#### BY-LAW 7.01 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.

#### BY-LAW 7.02 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.

#### BY-LAW 7.03 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 By-Laws to some other officer or agent of the Association. The President shall call such special meetings 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 By-Laws or by the Board of Directors and shall be an Ex-Officio member of all committees.

#### BY-LAW 7.04 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.

#### BY-LAW 7.05 SECRETARY



The Secretary shall serve as Secretary of the Association and the Board of Directors, and shall supervise the keeping of a 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 By-Laws, 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 By-Laws 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.

#### **BY-LAW 7.06 TREASURER**

The Treasurer shall be responsible for all funds and securities of the Association. The Treasurer 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 will sign, with authorized co-signer, all checks and promissory notes of the Association. The Treasurer will keep proper books of account and cause an audit of the Association at the end of each fiscal year. Also, the treasurer will prepare an annual budget and a statement of income and disbursement to be presented to the Association membership at its annual meeting, and delivered as hereinabove set forth in By-Law 5.09 H. 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**

#### **BY-LAW 8.01 COMMITTEES**

Upon direction of the Board, the President, with the concurrence of the Board of Directors, shall appoint as necessary, the following committees, each consisting of a Board member or Alternate Director and as many other members of the Association in good standing as the board deems appropriate. Each committee will elect its own chairman.

A. **Architectural Review Committee** to review and approve the submitted plot, building, and grading plans and/or remodeling plans for each lot in



accordance with the Declaration. To verify the payment of the hookup fee for P.E.S. When accepted to stamp approval and sign plans so lot owner or builder can apply for building permit. To oversee development in compliance with the Declaration.

B. **Nomination Committee** to nominate members in good standing for election to the Board of Directors as provided in By-law 5.04.

C. **Credentials Committee** to attend all membership elections and assure that voting is performed only by eligible members.

D. **Audit Committee** to inspect and audit the financial records of the Association for the previous fiscal year and render a report at the Association's September meeting to the condition found.

E. Any other committees that may be required or appointed by the Board.

## PART IX

### ACCOUNTS, BOOKS, AND RECORDS

#### BY-LAW 9.01 ACCOUNTS

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

A. Cash accounting, as defined by generally accepted accounting principles, shall be employed.

B. Accounting and controls should conform to established American Institute of Certified Public Accountants (AICPA) guidelines and principles. Cash disbursement shall be limited to amounts of twenty-five dollars (\$25.00) and under.

C. Cash accounts of the Association shall not be commingled with any other accounts.

#### BY-LAW 9.02 WHERE KEPT

All books, records, and documents of the Association shall be maintained by the appropriate Director or committee, and shall be available for inspection by any member upon such member making a request to the Secretary and/or Treasurer a reasonable time in advance.

#### BY-LAW 9.03 SURRENDER OF RECORDS TO SUCCESSOR



Each Board Member, Officer, Chairperson, and Committee shall deliver any Association keys, property, and records to its 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

#### BY-LAW 10.01 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 By-Laws, 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.

#### BY-LAW 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.
- 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 behalf.
- D. The proposed sanction to be imposed.

#### BY-LAW 10.03 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 fees and costs incurred in enforcing the covenant.

#### **BY-LAW 10.04 TIME FRAME**

Failure on the part of the Association to maintain such an action at Law or in equity within one hundred 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 fees arising out of such action.

#### **BY-LAW 10.05 HAZAARDOUS 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 VI**



## ASSESSMENTS

### BY-LAW 11.01 LIABILITY OF OWNER

As more fully provided in the Declaration, each member-owner is obligated to pay to the Association the annual and special assessments assessed per lot as determined by the Board, which shall be secured by a continuing lien on the lot or lots. 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 in the amount of fifteen dollars (\$15) shall be charged each month that the assessment remains outstanding. Owners of multiple lots will accrue late fees for each lot for which an assessment is delinquent. 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, shall be added to the amount of the assessment. No owner may waive or otherwise escape liability for the assessment by non-use of any common area or abandonment of a lot.

### BY-LAW 11.02 ANNUAL ASSESSMENT TIME FRAME

The annual assessment is for the Association's fiscal year from April 1 through March 31.

### BY-LAW 11.03 RESERVE

The Board may determine and fix such sum or sums as the Board from time to time, in its sole discretion, shall reasonably deem proper, as a reserve fund to meet contingencies, or for repairing or maintaining any property of the Association, or for such other purposes as the Board shall deem conducive to the best interests of the Association.

## PART XII

### USE RESTRICTIONS

### BY-LAW 12.01 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

### BY-LAW 13.01 PROPERTY RIGHTS

Each member of this Association shall have such 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 BY-LAWS

#### BY-LAW 14.01 DECLARATION CONTROLS

In case of any conflict between the Declaration and these By-Laws, the Declaration will control.

#### BY-LAW 14.02 RULES OR ORDER AT MEETINGS

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

## PART XV

### AMENDMENTS

#### BY-LAW 15.01 AMENDMENTS

These Bylaws may be altered, amended, or repealed by a majority vote of at least fifty-one percent (51%) of the total designated lot owners eligible to vote, and who actually attend and/or vote at an appropriately called meeting, provided the notice of meeting shall have contained a copy of the proposed alteration, amendment, or repeal.

## PART XVI




SEVERABILITY


BY-LAW 16.01 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

Authorized by the undersigned officers of the Pine Meadows Country Club Estates Homeowners Association, Inc., a nonprofit corporation of the State of Arizona, duly authorized by its Board of Directors this 13<sup>th</sup> day of October 2012

By:   
William O. Johnson, President

By:   
Steven Feola, Secretary