

## FOURTH AMENDMENT

TO

### BYLAWS OF AMART SUMMER LAKE HOMEOWNERS ASSOCIATION

The following is an amendment (“Amended Bylaws”) to the Bylaws of Amart Summer Lake Homeowners Association (the “Association”) executed by Rick Fairbrook as President of the Association on February 7, 1980 as amended February 25, 1988, by amendment approved by a majority of the Owners and executed by Howard E. Banta as Vice-President of the Association; and further amended by Amendment #2 and Amendment #3, both of which were unanimously approved on February 23, 1989 and executed by Howard E. Banta as Vice-President of the Association (together, the original Bylaws and above referenced amendments are referred to herein as the “Bylaws”). Pursuant to Article XVI, Section 1 of Bylaws, these Amended Bylaws have been approved by not less than a majority of Owners present at a membership meeting in person or by proxy at which a quorum was present.

These Amended Bylaws supplement and supercede the Bylaws and except as specifically modified herein, the Bylaws remain in full force and effect.

#### AMENDMENTS

1. Duties and Powers.

The Association shall have all requisite power, duty and authority to perform its obligations under the Declaration of Covenants, Conditions and Restrictions of the Association and any amendments thereto (“Declaration”) and to acquire and pay for, out of the common fund provided by assessments, all goods and services necessary or appropriate for the proper functioning of the Association in accordance with the Declaration and these Bylaws including but not limited to the following actions:

- 1.1. Determine the amounts necessary or appropriate for the performance of its powers and duties;
- 1.2. Impose and collect Annual and Special Assessments from the Owners;
- 1.3. Maintain bank accounts on behalf of the Association and designate the signatories for those accounts;
- 1.4. File all required tax returns;

- 1.5. Enforce by imposition of fines and/or by legal means the provisions to the CC&Rs;
- 1.6. Maintain and repair the Common Areas, and the Improvements thereon, if any;
- 1.7. Promulgate, modify and rescind rules and regulations governing the use of the Property, or any portion thereof;
- 1.8. Obtain such policies of insurance as the Board may from time to time deem appropriate for the protection of the Association, Common Areas and the Improvements thereon;
- 1.9. Contract for such services as may be necessary or appropriate to manage the affairs of the Association and the Property; and
- 1.10. Appoint such committees as the Board may determine and delegate to any such committee such tasks as the Board may deem appropriate.

2. Liability

Article XVII of the Bylaws shall be modified by the addition of Section 3, which shall contain the following language:

“No Director of the Association shall be liable to any Owner for any damage, loss or prejudice suffered or claimed on account of any action or failure to act of the Association, its Board or any committee established by the Board. Any Director shall be indemnified by the Association against all expenses and liabilities, including reasonable attorney fees, incurred or imposed against such person in such capacity; provided, however, that the Director shall not be guilty of willful misconduct or bad faith in connection with such act or failure to act.

3. Board of Directors. Article V and Article VI of the Bylaws shall be deleted in their entirety and replaced with the following provisions:
  - 3.1. The Association shall act through the Board.
  - 3.2. Nomination and Election of Board. Candidates for the Board may be nominated by the Board, by mail from members to the Board, or from the floor at the annual membership meeting. Each Board officer shall be elected by a majority of the members present and voting at the annual meeting, with each Owner having one vote for each Lot owned.
  - 3.3. General Conditions. The following general conditions shall govern the election and operation of the Board of Directors of the Association:

- 3.3.1. Terms of Directors. Each Director shall be elected for a one-year term, running from one annual meeting until the following annual meeting. There shall be no limit to the number of terms a Director may serve.
- 3.3.2. Vacancies. In the event of a vacancy in any position on the Board, a majority of the remaining Board members shall vote to appoint a replacement to serve out the balance of the term until the next annual meeting.
- 3.3.3. Meetings. The Board shall meet at least once per quarter to conduct Association business. A majority of board members present shall constitute a quorum at Board meetings. The annual membership meeting of the Association shall be held in March of each year. The Board may call special membership meetings at any time. All membership meetings shall be preceded by a written notice to the membership at least fifteen (15) days prior to the date set for such meeting, stating the time, place, and purpose for such meeting. A quorum for the membership meeting shall consist of ten percent (10%) percent of the members entitled to cast votes present in person or by proxy. Members may vote in person or by proxy at any meeting, and a majority of those present and voting may pass any motion presented at the meeting, including the approval of the annual budget.
- 3.3.4. Compensation. No Director or committee member shall receive compensation from the Association for serving in that capacity, other than reimbursement for out-of-pocket expenses incurred on behalf of the Association.
- 3.3.5. Removal. Any Director may be removed from the Board by a majority of the members of the Association.

4. Officers of the Association.

- 4.1. The same person shall not concurrently hold more than one office.
- 4.2. The Officers of the Association shall be the President, Secretary, Treasurer and Officer(s) at Large (optional), and the duties of each office shall be as set forth below:
  - 4.2.1. President. The President shall be the chief executive officer of the Association, having all of the general powers and duties normally incident thereto.
  - 4.2.2. Secretary. The Secretary shall keep minutes of all meetings, write correspondence letters for the Board, and shall have all the general powers and duties normally incident thereto

- 4.2.3. Treasurer. The Treasurer shall be responsible for the collection, deposit, and disbursement of Association funds and shall keep full and accurate records and books of account showing all receipts and disbursements of the Association.
- 4.2.4. Officer(s)-at-Large. The Officer(s)-at-Large shall assist in the duties of the Board as assigned.
5. Amendments. Amendments to the Bylaws may be proposed by a majority of the Board or by at least 30 percent of the Owners. Amendments to the Bylaws may be passed by a two-thirds (2/3) majority of the members present in person or by proxy at a duly constituted meeting.
6. Budget. At the end of each fiscal year, the Board shall adopt a budget for the coming year and provide a copy to all Owners along with a financial statement of income and expenses for the preceding fiscal year.
7. Annual Dues. Any increase in the amount of annual dues must be approved by a majority of the members present in person or by proxy at the annual membership meeting.

IN WITNESS WHEREOF, the Undersigned has executed this Fourth Amendment to Bylaws on the 20th day of March, 2003.

**AMART SUMMER LAKE HOMEOWNERS ASSOCIATION**

By: Signature on File

Wayne McCroskey, President

By: Signature on File

Secretary