



BY-LAWS OF OAK CREEK VILLAGE HOMEOWNERS ASSOCIATION

ARTICLE I NAME AND LOCATION

The name of this corporation is Oak Creek Village Homeowners Association. The mailing address of the office of the Association shall be P.O. Box 568, South Lyon, Michigan 48178, until changed by the Board of Directors in its discretion. Meetings of members and directors may be held at such place within the State of Michigan as may be designated by the Board of Directors.

ARTICLE II DEFINITIONS

Section 1. "Architectural Control Committee" shall refer to the persons appointed to serve in such capacity as per Article XI hereof and the Declaration.

Section 2. "Association" shall refer to the Oak Creek Village Homeowners Association.

Section 3. "Subdivision" or "Properties" shall mean and include all lots in Oak Creek Village, including Common Areas.

Section 4. "Common Areas" shall mean and refer to those areas of land denoted on the recorded plat of the properties, wetland areas and cul-de-sac islands, as set forth on the recorded plat of the properties and intended to be owned by the Association and to be devoted to the common use and enjoyment of the owners of the property and any improvements thereon as provided in the Declaration.

Section 5. "Owners" shall mean and refer to the record owner, whether one or more persons or entity, of the fee simple title to any lots, including land contract vendees, but not including any mortgagees, unless and until such mortgagee shall have acquired fee simple title pursuant to foreclosure or any proceedings or conveyance in lieu of foreclosure. When more than one person or entity has an interest in the fee simple title of any lot, the interest of all such persons collectively shall be that of a single owner.

Section 6. "Members" shall mean and refer to all those owners who are members of the Association as hereinafter set forth.

Section 7. "Annual Assessment" shall mean the amount of money determined by the Board of Directors to be collected from each owner to be utilized for the operation and maintenance of the Subdivision as set forth herein, and shall not be deemed to include any special assessment.

Section 8. "Declaration" shall mean the Declaration of Covenants, Conditions and Restrictions for Oak Creek Village as recorded July 20, 1994 in Liber 14846, Pages 512 through 527, Oakland County Records, as amended.



**ARTICLE III
DUTIES AND RESPONSIBILITIES: ASSESSMENTS AND COLLECTIONS**

Section 1. Oak Creek Village Homeowner Association is a Michigan nonprofit corporation and is the entity designated to administer the Subdivision and is hereinafter and elsewhere in the documentation for the Subdivision referred to as the Association.

Section 2. The Association will be responsible for the control and maintenance (as hereinafter defined) of the Common Areas and the Areas of Common Responsibility.

Section 3. The Board of Directors of the Association shall adopt an annual budget which shall include an adequate allowance for the maintenance of the Common Areas, storm water retention areas, and rear yard drains within the Subdivision. The Board shall advise the Owners of each lot of the amount of the required Annual Assessment from each lot Owner which shall be necessary to defray the operating costs of the Association, including the costs of maintaining the common areas and Areas of Common Responsibility. The required contribution shall be an assessment on each lot and lot Owner.

Section 4. In the event of non-payment of the assessment the Owner(s) of the subject lot shall have no voting privileges at membership meetings and shall not otherwise participate in decisions by the Association until all outstanding deficiencies are satisfied in full.

Section 5. The Association shall be responsible for appointing members to the Architectural Control Committee and for enforcing the terms and conditions of the Declaration of Covenants, Conditions and Restrictions.

**ARTICLE IV
OBLIGATIONS OF THE ASSOCIATION: COMMON AREAS**

Section 1. The principal functions of the Association shall be the enforcement of restrictions imposed on the lots in the Subdivision in the Declaration of Building and Use Restrictions, hereinafter referred to as the "Declaration," the establishment of reasonable rules and regulations for the use of the Common Areas within the Subdivision, the maintenance and repair of the Common Areas, including the parks, walks, entries, and storm water retention areas.

**ARTICLE V
MEETING OF MEMBERS**

Section 1. **Annual Meetings.** Annual meetings of the members shall be held on a date to be set annually by the Board of Directors at its sole discretion within the first ninety days of each year.

Section 2. **Special Meetings.** Special meetings of the members may be called at any time by the President or by vote of the Board of Directors, or upon written request of the members who are entitled to vote one-fourth (1/4) of all of the votes of the membership.



Section 3. **Notice of Meetings.** Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least thirty (30) days before such meeting to each member entitled to vote, thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Each member shall register his address with the secretary, and notices of meetings shall be mailed to him at such address. Such notice shall specify the place, day and hour of the meeting, and the purpose of the meeting.

Section 4. **Quorum.** The presence at the meeting of members entitled to cast, or of proxies entitled to cast, thirty-five percent (35%) of the total votes shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these Bylaws. In the event the required quorum is not present at such meeting, another meeting may be called, upon notice as set forth herein, and the required quorum at such subsequent meeting shall be fifty percent of the required quorum at the preceding meeting.

ARTICLE VI BOARD OF DIRECTORS: ELECTION & TERM OF OFFICE

Section 1. **Number.** The affairs of this Association shall be managed by a Board of five (5) Directors. The Board of Directors shall be elected by the Owners, and all Directors must be Owners.

Section 2. **Term of Office.** At the first annual meeting following the election of the Board of Directors, the members shall elect three directors for a term of one year and two directors for a term of two years; and at each annual meeting thereafter, the three (3) candidates receiving the highest vote totals shall be elected to two (2) year terms of office and the two (2) candidates elected with the lowest vote totals shall each be elected to one (1) year terms of office. At each annual meeting thereafter, either two (2) or three (3) directors shall be elected depending on the number of directors whose terms expire. The term of office for each Director shall be two (2) years.

Section 3. **Removal.** Any director may be removed from the Board, with or without cause, by a majority vote of members of the Association.

Section 4. **Vacancies.** Vacancies in the Board of Directors caused by death, resignation or removal of a director shall be filled by appointment by and upon the vote of a majority of the remaining directors, and such director or directors, so appointed, shall serve for the unexpired term of this predecessor.

Section 5. **Compensation.** No director shall receive compensation for any service rendered to the Association. However, any director may be reimbursed for actual expenses incurred in the performance of duties as a director.

Section 6. **Action Taken Without a Meeting.** By obtaining written approval of all the directors, the directors shall have the right to take any action in the absence of a meeting which they could take at a meeting. Any action so approved shall have the same effect as though taken at a meeting of the directors.



ARTICLE VII NOMINATION AND ELECTION OF DIRECTORS

Section 1. **Nomination.** Nomination for election to the Board of Directors shall be made by the Nominating Committee. Nomination may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chair, who shall be a member of the Board of Directors, and two or more members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the members, to serve from the close of such annual meeting until the close of the next annual meeting and such committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled.

Section 2. **Election.** Election to the Board of Directors shall be by secret written ballot. At such election the members or their proxies may cast, in respect to each vacancy, one vote for each lot owned. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

ARTICLE VIII MEETINGS OF DIRECTORS

Section 1. **Regular Meetings.** Regular meetings of the Board of Directors shall be held as often as the Board of Directors shall deem to be appropriate and/or necessary without notice to the owners, at such place and hour as may be fixed from time to time by resolution of the Board.

Section 2. **Special Meetings.** Special meetings of the Board of Directors shall be held when called by the President of the Association, or by any two directors, after not less than three (3) days notice to each director.

Section 3. **Quorum.** A majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

ARTICLE IX POWERS AND DUTIES OF BOARD OF DIRECTORS

Section 1. **Powers.** The Board of Directors shall have power to exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration.

Section 2. **Duties.** It shall be the duty of the Board of Directors to:

- a) Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the members who are entitled to vote;
- b) Present to the members at the annual meeting the current and proposed budgets;

- c) Supervise all officers, agents and employees of this Association, to see that their duties are properly performed;
- d) As more fully provided in the Declaration to:
 - (i) Maintain, repair and replace all Common Areas and Areas of Common Responsibility.
 - (ii) Appoint members to the Architectural Control Committee in accordance with Article XI hereof.
 - (iii) Enforce the terms and conditions of the Declaration of Covenants, Conditions and Restrictions.
- e) Issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;
- f) Procure and maintain adequate liability and hazard insurance on property owned by the Association;
- g) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate;
- h) To exercise for the Association all powers, duties and authority vested in or delegated to the Association.

ARTICLE X OFFICERS AND THEIR DUTIES

Section 1. **Enumeration of Officers.** The Officers of this Association shall be a President, any number of Vice-Presidents, who shall at all times be members of the Board of Directors, a Secretary and a Treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2. **Election of Officers.** The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members and shall be by majority vote of the directors.

Section 3. **Term.** The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless he or she shall sooner resign, or shall be removed, or otherwise disqualified to serve.



Section 4. **Special Appointments.** The Board may elect other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority and perform such duties as the Board may, from time to time, determine.

Section 5. **Resignation and Removal.** Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the President or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. **Vacancies.** A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer replaced.

Section 7. **Multiple Offices.** The offices of Secretary and Treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

Section 8. **Duties.** The duties of the officers are as follows:

a) **President.** The President shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all written instruments and shall co-sign all checks in excess of Five Hundred (\$500.00) Dollars.

b) **Vice-President.** The Vice-President shall act in the place and stead of the President in the event of an absence, inability or improper refusal to act, and shall exercise and discharge such other duties as may be required of the President by the Board.

c) **Secretary.** The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their addresses, and shall perform such other duties as required by the Board.

d) **Treasurer.** The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors provided, however, that a resolution of the Board of Directors shall not be necessary for disbursements made in the ordinary course of business conducted within the limits of a budget adopted by the Board; shall sign all checks and promissory notes of the Association; keep proper books of account; and shall prepare an annual budget and a statement of income and expenditures for presentation to the members at its regular annual meeting, and deliver a copy of each to the members.



ARTICLE XI COMMITTEES

Section 1. An “Architectural Control Committee” shall be established as provided in the Declaration at Article VIII on the terms and subject to the conditions set forth therein.

Section 2. The Board of Directors shall appoint other committees as deemed appropriate in carrying out its purposes.

ARTICLE XII BOOKS AND RECORDS

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any member through the Secretary.

ARTICLE XIII PROXIES

Section 1. At all meetings of the members, each member may vote in person or by proxy, or by written ballot cast at or prior the meeting whether or not the member is present at the meeting.

Section 2. All proxies shall be in writing and filed with the Secretary. No proxy shall extend beyond a period of eleven (11) months, and every proxy shall automatically cease upon sale by the member of his lot.

ARTICLE XIV AMENDMENTS

Section 1. These By-Laws may be amended, at a regular or special meeting of the members, by a vote of fifty-one percent (51%) of the entire membership present either in person or by proxy.

Section 2. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control; and in the case of any conflict between the Declaration of Building and Use Restrictions applicable to the Subdivision and these By-Laws, the Declaration of Building and Use Restrictions shall control.

Section 3. All proposed amendments to these By-Laws must be mailed, first class postage prepaid, to each member at least thirty (30) days prior to being voted upon.

Section 4. All votes cast concerning any proposed amendment to these By-Laws shall be counted and the results announced by the tellers appointed by the members at an official meeting of the membership, whether or not the votes are cast by written (absentee) ballot, in person or via proxy.



**ARTICLE XV
MISCELLANEOUS**

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December every year, except that the first fiscal year shall begin on the date of incorporation. The Board of Directors may establish a different fiscal year at any time it is deemed to be in the best interest of the Association to do so.