

**AMENDED CONSTITUTION AND BY-LAWS  
OF THE  
KNOLLWOOD HOMEOWNERS ASSOCIATION**

**CONSTITUTION**

**Article I – Name**

The name of the Association shall be the Knollwood Homeowners Association, the community being the Knollwood Subdivision. The term “Homeowners Association” means the Alabama nonprofit corporation known as the Knollwood Homeowners Association (and formerly known as the Knollwood Community Organization, Inc.), or its successors and assigns.

**Article II – Purpose**

**Section 1.** The Homeowners Association was established to prevent neighborhood deterioration, to represent the interests of the Lot Owners, to assess and collect Association dues, to enforce the Covenants and Restrictions, and to maintain and improve the Common Areas.

**Section 2.** To achieve the purpose, Community Standards have been established by the Homeowners Association for maintenance, conduct, and other activities, throughout the Knollwood Subdivision. These standards are outlined in the Amended Covenant and Restrictions.

**Section 3.** The Homeowners Association reserves the right to address and seek resolution to any matter that relates to the aesthetics of the subdivision or the safety and rights of residents and Lot owners even though the matter may not be included in the Amended Covenant and Restrictions.

**Article III – Membership**

**Section 1.** The membership of the Association shall be restricted to Lot Owners of the Knollwood Subdivision. The term "Knollwood Subdivision" means the property shown on Knollwood Plat No. 1; Knollwood Plat No. 2; Knollwood Plat No. 3; Knollwood Plat No. 4; Knollwood Plat No. 5; Knollwood Plat No. 6; as well as all Additional Properties (10 un-platted Lots within the Knollwood Subdivision).

**Section 2.** Each residential Lot Owner shall be obligated by ownership of said Lot to be a member of the Homeowners Association and subject to regulations set forth in the By-laws and the Amended Covenant and Restrictions.

**Section 3.** Residential Lot Owner (s) shall ensure that those residents who reside on their property adhere to all rules and regulations set forth in the By-Laws and the Amended Covenant and Restrictions.

**Section 4.** Renters shall assume the obligations as stated in the Amended Covenant and Restrictions for Lot Owners and Residents of the Homeowners Association. The Lot Owner and Occupant(s) shall have an agreement which provides for the upkeep of the residence and property.

**Section 5.** Voting provisions for Lot Owners and other Residents shall be determined by the Executive Council.

**Section 6.** Members whose Association Dues, Fines, Special Assessments, and any outstanding balances that are unpaid prior to the current calendar year (beginning in January) shall not vote on business matters of the Association until all financial obligations have been met.

#### **Article IV – Officers**

**Section 1.** The Homeowners Association shall be governed by an Executive Council. The Executive Council shall comprise the Association's elected officers: President, Vice President, Secretary, Treasurer, Chaplain, and Block Captains. There shall be one block captain per street, and no household shall have more than one officer.

**Section 2.** The Executive Council shall administer the business affairs of the Association, having power to act, in the intervals between meetings of the Associations on all matters that represent business that has been brought before the members. A quorum of at least fifty percent (50%) plus one of the Executive Council members shall be present to conduct business.

**Section 3.** In case the office of President shall become vacant, the Vice President shall perform the duties of President until such a time that a new President is elected through a special election to fill the position. A special election shall be held within two months of such occurrence. In cases where both the offices of President and Vice President become vacant, the remaining portfolio-holding members of the Executive Council (that is, Secretary, Treasurer, and Chaplain) shall transact and carry out the business of the Association. A special election shall be held within one month of such occurrence to fill the positions. A nominating committee shall present a name for each position.

**Section 4.** Executive Council members shall use sound judgment to make the best possible business decisions for the Association based on available information, situations, and resources.

#### **Article V – Meetings**

**Section 1.** The time, date, and location for meetings of the Association shall be determined by the governing/presiding Executive Council.

**Section 2.** A quorum for conducting business shall be ten percent (10%) of the membership. Three members of this quorum should not be Executive Council members. Those making up the quorum shall be from different households.

**Section 3.** Special or Emergency meetings of the Association shall be called at the discretion of the Executive Council.

#### **Article VI – Amendments**

**Section 1.** By-Laws shall be reviewed and/or amended to assure the purpose of the Association has not changed and that the rules are continuing to meet the needs of the membership.

**Section 2.** The Constitution and By-laws may be reviewed and/or amended at the January meeting of the Association by a two-thirds vote of the families that are present. The members that comprise the two-thirds vote shall be from different households.

**Section 3.** A notice of the proposed review and/or amendment shall be sent to each member one week prior to the January meeting.

## **By-Laws**

### **Article I - Election of Officers**

**Section 1.** In September, preceding the year for election of officers, a nominating committee of three (3) members shall be formed by the Executive Council. The committee shall present one name for each position on the Executive Council at the annual meeting in January. Elections shall be held every two years in January.

**Section 2.** No person shall be eligible for office who has not been a homeowner of the community for at least two years and in good standing. Qualifications for good standing shall be determined by the Executive Council. Officers and Block Captains may be re-nominated for office provided no other member is nominated for that office and upon approval of the membership.

**Section 3.** Officers and Block Captains shall abide by the By-Laws and the Amended Covenant and Restrictions; shall perform duties of the office; shall regularly attend Executive Council and Association Meetings.

**Section 4.** In the event a vacancy occurs in any office, the Executive Council shall be empowered to fill the vacancy.

**Section 5.** Officers and Block Captains shall work cooperatively with colleagues, members of the Association, government and other community agencies to promote a positive relationship within and without the Association.

**Section 6.** An officer or Block Captain may resign by giving a two-week notice in writing to the Executive Council.

### **Article II – Duties of Officers**

**Section 1.** It shall be the duty of the President to preside at the meetings of the Association and the Executive Council, to supervise the business and affairs of the Association, and to perform all other duties of leadership that pertains to this office.

**Section 2.** In case the office of President shall become vacant, the Vice President shall perform the duties of President until such a time that a new President is elected through a special election to fill the position.

**Section 3.** The Secretary shall keep the minutes of all proceedings including members present. Records shall be kept of all communications including notices, announcements, and letters. A permanent record of documents shall be maintained.

**Section 4.** The Treasurer shall have charge and custody of and be responsible for all funds of the Association and such depositories as shall be selected by the Executive Council. The Treasurer shall provide an updated financial report at each general meeting of the Association.

**Section 5.** The chaplain shall be responsible for the devotions of the Association and the Executive Council meetings.

**Section 6.** Block Captains shall perform basic duties as well as those duties that are designated to accomplish specific goals. Basic duties include: serve as resource or liaison for members, extend courtesies to members, report special events or achievements of members, and deliver Association materials to members. To comply with U.S. mail regulations, Block Captains shall deliver Association materials to the door of residences or place in the newspaper receptacle of the residence.

### **Article III – Dues**

**Section 1.** Conditions peculiar to the community (cost of street lights), maintenance of the Common Areas, the necessity of income for community improvement, and the cost of other approved expenses deemed necessary for the Association, dictate policies regarding financial obligations. Therefore, membership dues shall be assessed, and amended from time to time.

**Section 2.** Each residential Lot Owner shall be obligated by ownership of said Lot to pay an annual assessment and any special assessments or other charges and any fines or penalties that may be requested, assessed, or levied by the Homeowners Association. Annual assessments are delinquent after December 15th of each year.

**Section 3.** Financial statement shall be sent quarterly to members that have a balance due to the Association.

**Section 4.** A checking account shall be maintained by the Association. All financial transactions shall be rendered through this account. Any payments to be made through other means must be approved by the Executive Council.

**Section 5.** The fiscal year for tax purposes will run from October 1 to September 30 of each year. A tax statement must be filed with the Internal Revenue Service (IRS) each year to maintain the tax exempt status of the Association.

### **Article IV – Committees**

**Section 1.** Committees shall be appointed by the Executive Council as needed. At least two members of the Executive Council should serve on the committee. The responsibilities of the committee(s) shall be determined by the Executive Council and shall be presented in writing to the committee at its establishment.

**Article V – Parliamentary Authority**

**Section 1.** All meetings of this Association shall be conducted according to parliamentary law as set forth in Robert Rules of Order; newly revised edition. However, matters that are addressed in the Amended Covenant and Restrictions shall have precedent.

**Article VI - Grievances**

**Section 1.** Concerns and/or Grievances shall be submitted by letter to the Executive Council. The decision to act upon or make a final decision regarding such grievance will be made by the Executive Council. The Executive Council shall send a written response to the aggrieved member.

**Date Adopted:** Adopted Tuesday, the 26<sup>th</sup> day of June, 2012

**Date Signed:** Signed \_\_\_Friday\_\_\_\_\_, the \_9th\_\_\_ day of November, 2012

**Signatures**

Nii O. Tackie  
Glenda K. Horton  
Brenda Savage  
Mavis F. Dudley