



00834021201200183590060067

05/15/2012 10:13:37 AM

D-BYLAWS Cnt=1 Stn=2 TM
\$30.00 \$11.00 \$16.00 \$10.00 \$6.00

After recording return to:

Deschutes River Recreation Homesites
Property Owners Association Unit 9
17205 Island Loop, #11
Bend, OR 97707

This Amendment and Restatement to Bylaws supersedes the Bylaws recorded at Book. 2007, Page, Page 60346.

**AMENDED and RESTATED BYLAWS OF
DESCHUTES RIVER RECREATION HOMESITES
PROPERTY OWNERS ASSOCIATION UNIT 9
(Parts 1 and 2)**

**ARTICLE I
NAME AND PURPOSE**

SECTION 1. NAME.

This Association shall be called "DESCHUTES RIVER RECREATION HOMESITES PROPERTY OWNERS ASSOCIATION UNIT 9 (Parts 1 and 2)".

SECTION 2. PURPOSE.

The purposes and objects of this Association shall be:

- A. To provide for the operation, and, maintenance of the properties owned by the property owners as Tenants in Common, for the benefit of the owners.
- B. To maintain a general supervision over the provisions and, in support of, the:
 - 1. Building and Use Restrictions (aka CC&Rs)
 - 2. Bylaws, Rules and Regulations of this Association.
- C. To exercise the powers granted to the Association by the Building and Use Restrictions as amended.

**ARTICLE II
MEMBERSHIP**

SECTION 1. MEMBERS.

All owners of a parcel of property in DESCHUTES RIVER RECREATION HOMESITES UNIT 9 shall automatically become members of this Association. Any person purchasing any parcel within said area, shall be deemed the owner of said parcel for the purposes hereunder. Joint owners of any lot shall be entitled to one membership.

SECTION 2. ADJACENT PROPERTY

Owners of property immediately adjacent to, and, bordering on DRRH Unit 9 maybe accepted for Association Membership in this Association, upon payment of fees, dues, and, with the approval of the Association. Approval may be made at any meeting of the Board of Directors, or any regular meeting.

**ARTICLE III
FEES AND DUES**

Directors of the Association shall assess against each lot its proportion share of the costs attributable to the commonly owned properties, operations and costs of the Association. Costs shall include, but not be limited to, the necessary amounts incurred by the Directors for insurance, equipment rental, materials, labor, and taxes required for the operation and maintenance of the commonly owned properties. No part of the income of the Association received shall be distributable to its members or, directors, and the Association shall, for all purposes, be considered a non-profit Association.

**ARTICLE IV
MEETINGS**

SECTION 1. ANNUAL MEETINGS.

The annual membership meeting shall be held in August of each year. Not less than twenty (20) or no more than fifty (50) days before the annual meeting is called, the Secretary or other officer specified in the Bylaws, shall cause notice to be hand delivered, or mailed to the mailing address of each lot. The notice shall state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the Building and Use Restrictions or Bylaws, or any budget changes or, any budget changes or any proposal to remove a Director or Officer. (ORS 94.650)

SECTION 2. SPECIAL MEETINGS.

Special meetings of the Association may be called by the President of the Board of Directors, a majority of the Board of Directors, or, five percent (5%) of the members.

SECTION 3. EMERGENCY MEETINGS.

Emergency meetings may be held without notice if the reason for the emergency is stated in the minutes of the meeting. Only emergency meetings of the Board of Directors may be conducted by telephonic communications.

SECTION 4. ALL MEETINGS.

All meetings of the Board of Directors shall be open to membership. (ORS 94.640)

**ARTICLE V
POWERS OF THE ASSOCIATION**

The DRRH Unit 9 Property Owners Association may:

- A. Adopt and amend bylaws, rules and regulations for the benefit of the property owners.
- B. Adopt and amend budgets for revenues, expenditures, and reserves, and collect monies requested from owners for common expenses.
- C. Hire and terminate employees, agents, and, independent contractors.
- D. Institute, defend or intervene in litigation of administrative proceedings in its own name on behalf of itself or two or more owners on matters affecting the Association.

- E. Regulate the use, maintenance, repair, replacement, and modification of common property.
- F. Cause additional improvements to be made as part of the common property.
- G. Grant easements, leases, licenses and concessions through or over the common property.
- H. Impose and receive any payments, fees, or charges for the use, rental or operation of the common property and services provided to owners.
- I. After giving notice and an opportunity to be heard, levy reasonable fines for violations of the Building and Use Restrictions, Bylaws and rules of the Association.
- J. Exercise any other powers necessary and proper for the administration and operation of the Association.
- K. Exercise the powers of a homeowners association as described in ORS 94.630.
- L. Exercise all of the powers of a homeowners association regarding assessments and liens as described in ORS 94.704 through 94-716.

ARTICLE VI VOTING RIGHTS

SECTION 1. VOTING.

- A. Each property owner in DRRH Unit 9 shall be entitled to one vote in all matters coming before the Association. The vote may be cast in person, by, or by proxy.
- B. Only property owners of DRRH Unit 9 shall be entitled to vote.
- C. Control of this Association strictly vested in the property owners of Unit 9, and, cannot be abrogated. Building and use Restrictions and, Associate Membership notwithstanding.

SECTION 2. QUORUM.

The quorum for annual and special meetings shall consists of five percent (5%) of the membership. A majority of a quorum shall be the act of the Members.

ARTICLE VII DIRECTORS AND OFFICERS

SECTION 1. BOARD OF DIRECTORS.

A. The management of the Association shall be vested in a Board of Directors consisting of between five (5) and seven (7) persons, who shall be elected by the membership. The Board of Directors may act upon behalf of the Association, except as limited by the Building and Use Restrictions and the Bylaws. The directors shall serve for a period of one year and/or until their successors are duly elected and qualified. The Board of Directors must be property owners in Unit 9. Owners of jointly owned properties cannot have more than one person of the jointly owned property serving on the Board of Directors or as an officer. Husband and wife are considered as holding jointly owned property.

B. No director shall receive compensation for services to the Association except with the concurring vote of two thirds of the remaining directors. Such compensation may be given only where a director is called upon to perform a service to the Association in addition to his services as a director.

C. The Board of Directors may not act on behalf of the Association to amend The Building and Use Restrictions, terminate the Association, elect members of the Board of Directors, or determine the qualifications, powers, duties, or, terms of office of members of the Board of Directors. However, the Board of Directors may fill vacancies in its membership for the unexpired portion of any term.

D. Any director of this Association who, having been duly notified, fails to attend four regular consecutive board meetings without excuse satisfactory to the board, shall thereby forfeit his membership thereon, and, the position shall thereupon be deemed vacant.

SECTION 2. INSURANCE COVERAGE.

At least once every two years, the Board of Directors shall review the insurance coverage of the Association.

SECTION 3. REMOVAL OF DIRECTORS.

Notwithstanding any contrary provisions of the Building and Use Restrictions or Bylaws, the owners may remove any member of the Board of Directors, other than members who are exofficio directors, with or without cause, by a majority vote of all owners present and entitled to vote at any meeting of the owners at which a quorum is present. No removal of a director is effective unless the matter of removal is an item on the agenda and stated in the notice for the meeting required under ORS 94.650.

SECTION 4. DIRECTORS.

The Directors shall administer all business carried on by the Association under the direction and control of any special or regular meeting of the members. The Board of Directors shall annually issue to the membership a full report of its work during the year and of the progress and condition of the Association, together with a financial statement. The board may create advisory committees composed of individuals interested in one or more phases of work of the Association.

SECTION 5. OFFICERS.

The officers shall be President, Vice-President, Secretary, Treasurer, and such others as the board may deem to be necessary. The President, Vice-President, Secretary, and, Treasurer shall be appointed by the Board of Directors from their number at the first regular board meeting following the annual election. All officers shall hold office at the discretion of the board.

SECTION 6. DUTIES OF THE OFFICERS.

The officers shall perform the duties as may be delegated to them by these Articles of Association, or, by the Board of Directors.

A. President

Shall preside over all meetings of the Association Robert's Rules of Order shall prevail.

B. Vice-President

Shall assume all duties of the President in the absence of said officer.

C. Secretary

1. Shall receive and conduct all correspondence of the Association
2. Shall maintain an accurate record of the membership roster.
3. Shall record and maintain the minute of all meetings.

4. Shall receive all money due the Association and, pay them to the Treasurer receiving a receipt therefore.
5. Shall maintain a list of all officers and committees.
6. Shall maintain a record of the Building and Use Restrictions, and Bylaws to members duly entitled to receive them.

D. Treasurer

1. Shall have charge of all funds of the Association and, shall conduct its banking business.
2. Shall issue a receipt for all money received.
3. Shall maintain an accurate record of all funds received and paid out by the Association.

SECTION 7. BONDS

All Officers and employees of the Association handling funds of the Association shall be bonded.

**ARTICLE VIII
MAIL VOTE**

Whenever in the judgment of the Board of Directors, any question shall arise which it considers should be put to a vote of the membership, and, when it deems it expedient to call a special meeting for that purpose, it may submit the matter to the membership in writing by mail for vote and decision, and, the question thus presented shall be determined according to a majority of the votes received by mail within two (2) weeks after such submission to the membership provided that in each case, votes of at least five percent (5%) of the members shall be received. Action taken in this manner shall be as effective as action taken at a regular and duly called meeting.

**ARTICLE IX
LIABILITIES**

Nothing herein shall constitute member of the Association as partners for any purpose. No member, officer, agent, or, employee shall be liable for the acts or failure to act of any other member, officer, agent, or, employee of the Association. Nor shall any member, officer, agent, or employee be liable for his acts or failure to act under these Articles, except only acts or omissions arising out of his willful misfeasance.

**ARTICLE X
AMENDMENTS**

These Bylaws may be amended, repealed, or altered in the whole or in part by a majority vote at a duly organized meeting of the Association or by mail vote as described in Article VIII, Mail Vote.

The Association may use the Oregon Planned Community Act, ORS 94.550 through 94.785 for guidance as it may pertain to this Association. ORS 94.550 through ORS 94.991 – or any further legislation by the Oregon State Legislature, shall be referred to for future guidance as it may pertain to this Association.

This Restatement is adopted and certified by the Board of Directors as a true copy of the Bylaws and is authorized to be recorded. Upon recordation it supersedes all prior Bylaws, including the Bylaws recorded at Vol. 2007, page 60346 of the Official Records of Deschutes County, Oregon.

DATED this 11th day of May, 2012.

**DESCHUTES RIVER RECREATION HOMESITES
PROPERTY OWNERS ASSOCIATION UNIT 9 (PARTS 1 AND 2)**

By: Allen B. Hammermann
Allen B. Hammermann, President

By: Linda F. Cramer
Linda F. Cramer, Secretary

STATE OF OREGON)
) ss.
County of Deschutes)

On this 11 day of May, 2012, personally appeared before me, Allen B. Hammermann, who being duly sworn, states he is the President of Deschutes River Recreation Homesites Property Owners Association Unit 9 (Parts 1 and 2), an Oregon non-profit corporation, and that the foregoing instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be the voluntary act and deed of said corporation.

Theresa K Trudeau
Notary Public for Oregon



STATE OF OREGON)
) ss.
County of Deschutes)

On this 8 day of March, 2012, personally appeared before me, Linda F. Cramer, who being duly sworn, states she is the Secretary of Deschutes River Recreation Homesites Property Owners Association Unit 9 (Parts 1 and 2), an Oregon non-profit corporation, and that the foregoing instrument was signed and sealed on behalf of said corporation and she acknowledged said instrument to be the voluntary act and deed of said corporation.

Theresa K Trudeau
Notary Public for Oregon

