



BHOA
34749 Turnbuckle Street
Long Neck, DE 19966
www.bayside-hoa.com

BAYSIDE HOMEOWNERS' ASSOCIATION, INC.

BYLAWS

JUNE 2024

Revised 4/5/24

**Adopted by Membership
June 8, 2024**

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ARTICLE I - GENERAL

- A. The Bayside Homeowners Association, Inc., incorporated in the year 2011, is a legally registered Homeowners Association, and 501(c)(4) non-profit corporation, in the State of Delaware, and, hereinafter, shall be referred to as BHOA.
- B. The mailing address of the BHOA is 34749 Turnbuckle Street, Long Neck, DE, 19966, or other address, as may be determined by the Board of Directors.
- C. As BHOA business is conducted, the BHOA Board of Directors and all members of the association are governed by these Bylaws.
- D. All general and specific organizational and administrative duties, related to the operation of the BHOA, and associated with BHOA Officers, Directors, and Committee positions, detailed in the Operations Manual. (currently in development)

ARTICLE II – PURPOSE

- A. To act as liaison between Bayside Leaseholders and the Landowner, and to provide updates regarding concerns, such as land rent issues, affecting the Pot-Nets Bayside Community, when deemed appropriate by the Board of Directors.
- B. To relay information to BHOA members through the BHOA website at www.bayside-hoa.com, by email to those BHOA members who have provided their current emails, and/or by any other means, as deemed appropriate by the Board of Directors.
- C. To encourage BHOA members, the Pot-Nets Bayside Community, and/or the Landowner to maintain and improve the quality of life in Pot-Nets Bayside.
- D. To follow guidelines stipulated in Delaware House Bill 504 (Right of First Offer), which means that the BHOA is eligible to make an informed offer on the Pot-Nets Bayside Community should Robert Tunnell, Jr., the Landowner, and/or Tunnell Companies, and/or their successors/landowners (hereinafter referred to as Landowner) put up for sale all, or any part, of the community, known as Pot-Nets Bayside.
- E. To provide legal representation, when appropriate and possible, input, and information on manufactured homes, environmental concerns, legislative matters, and any other matters that may be of concern and interest to the membership.

ARTICLE III – CORPORATE SEAL

The Corporate Seal shall be inscribed with the name of the Bayside Homeowners Association and year of its incorporation. It shall be used to mark any BHOA, or other legal, document as "official." The corporate seal is recognized by the Board of Directors as a way to authorize documents, such as the BHOA Bylaws, on behalf of the association. The seal shall remain in the possession of the BHOA Secretary, or as deemed appropriate by the Board of Directors.

ARTICLE IV – MEMBERSHIP

- A. Membership is open to all Pot-Nets Bayside Leaseholders.
- B. Membership, for the purpose of HB 504 (as referenced in Article II, A.), shall include ALL Pot-Nets Bayside Community Leaseholders, not only BHOA members. In this instance, the Landowner is responsible for contacting Leaseholders about any decision to sell all, or any part, of Pot-Nets Bayside. At the same time, the BHOA Board will reach out to all Bayside residents to ensure they have been notified by the Landowner, and to give them the opportunity to participate in discussions with the BHOA Board and cast their votes.
- C. Membership, for any other purpose, shall include those Leaseholders, who are BHOA members, and whose names appear on a Tunnell Company, L.P., lease that has been filed with Sussex County, Delaware, and whose names appear on the Sussex County tax rolls of public record, which the BHOA uses for membership eligibility and voting purposes.

If a Pot-Nets Bayside Leaseholder is not listed on the Sussex County tax rolls of public record, it is incumbent upon the Leaseholder to obtain written confirmation of Leaseholder status from the Landowner, and submit such written confirmation to the BHOA.
- D. Members, having paid their annual dues and having submitted a completed and signed BHOA Membership Form, must be in good standing. The form must be received, reviewed, and processed before a resident becomes a member. (See Appendix A)
- E. Members in "good standing" are those Leaseholders who have not provided written notice of lease termination to the Landowner, or, who are not under a legal eviction process.
- F. Members are required to complete and sign a BHOA Membership Form, and submit it with the annual dues' payment, every year. Written approval to authorize the BHOA Board of Directors to represent members is included on the form. Those members, who authorize the BHOA Board of Directors to represent them, can opt out of representation, on any specific issue, or entirely, in writing, at any time. The BHOA Membership Form will be considered a legal document that can be used to include members for the purpose of any arbitration or litigation that may arise between the BHOA and the Landowner for the current membership year.
- G. Dues shall be paid yearly per household, and are non-refundable and non-transferable. Dues can only be increased by a motion made, which has been voted on and approved by the membership, at the Annual BHOA General Membership Meeting.

- H. The BHOA will submit dues bi-annually to the Delaware Manufacturers Homeowners Association (DMHOA), a state-wide organization that assists local homeowners' associations. Members of the BHOA are also entitled to automatic membership in the DMHOA.
- I. Prior to any election, the BHOA Secretary shall prepare a complete list of BHOA members entitled to vote. The list will be available for review sixty (60) minutes prior to the meeting at which the election will be held. Members may ONLY examine the list to ensure their own names are listed and correct. The list cannot be copied or distributed, in any manner, to maintain the confidentiality of Bayside Leaseholders.
- J. Notice of elections will be (1) publicized on the BHOA website at www.bayside-hoa.com, (2) emailed to members, and (3) posted throughout the Bayside Community at postal hubs.
- K. The Treasurer will work in tandem with the Secretary, or other Board representative, to collect dues and membership forms, and keep an accurate list of all members.
- L. Members are expected to act with decorum in all instances, when communicating with members of the BHOA Board of Directors, and/or other representatives of the association, whether it be by email, postal mail, or any type of social media. Harassment of any BHOA Board Member will not be tolerated, and, if an incident of continued harassment were to occur, the harassing party will be removed from the BHOA Membership for the remainder of the year in which the incident occurred. After that time, it will be at the discretion of the Board of Directors, by majority vote, if the harassing party will be permitted to join the BHOA the following year.

ARTICLE V – BOARD OF DIRECTORS

- A. The property and business of the BHOA shall be managed and controlled by its Board of Directors, which shall include the Officers, as noted below, and at least two (2) but not more than six (6) Directors. The Board of Directors shall not exceed ten (10) total members. Officers and Directors must be members of the BHOA in good standing, and they may not hold an office in any other local homeowners' association.
- B. Officers of the BHOA Board of Directors shall include the following:
 - 1. President
 - 2. Vice President
 - 3. Treasurer
 - 4. Secretary

These Officers shall be members of the Board of Directors for one (1) or more, two (2)-year terms, as elected by the majority vote of the BHOA membership at the Annual BHOA General Membership Meeting.

- C. Directors, two (2), but not more than six (6), shall complete the make-up of the BHOA Board of Directors. They shall be members of the Board for one (1) or more, two (2)-year terms, as elected by a majority vote of the BHOA membership at the Annual BHOA General Membership Meeting.
- D. The following criteria apply to be eligible for a position on the BHOA Board, as an officer or director, at the discretion of the Board of Directors:
1. BHOA member
 2. Must be in good standing
 3. Not involved in active, or past, litigation with the BHOA
 4. 21 years of age
 5. No felony convictions

If candidate interviews are conducted for Board of Directors' positions, the same questions must be asked of each candidate running for the same office.

- E. All members of the Board of Directors shall attend Board and General Membership Meetings. They shall have voting privileges, specific assignments, assist with other various BHOA functions, and perform such other duties, and have such other powers, at the discretion of the Board of Directors.

If an officer or director misses two (2) consecutive BHOA meetings, or three (3) meetings in a 12-month period, the Board, at its discretion, will take appropriate action, up to and including dismissal from the Board of Directors by majority vote.

- F. All members of the BHOA Board of Directors must be full-time, or part-time, Bayside Leaseholders. Bayside Leaseholders employed by Tunnell Companies in executive, administrative, or sales positions, or any Leaseholders with real, or potential, familial relationships with members of the Tunnell family, are ineligible to hold an elected office due to potential conflicts of interest.

1. The term of office for each Board member shall be two (2) years. Officers shall be elected in even-numbered years, and Directors in odd-numbered years. Board members may be elected for one (1), or more, consecutive terms, as approved by the membership at the Annual BHOA General Membership Meeting.
2. Officers and Directors may not receive compensation for any service rendered to the BHOA, except for legitimate expenses.
3. Three (3) members of the Board of Directors, including at least one officer, in attendance at a Board Meeting, shall constitute a quorum, which is required to conduct all BHOA business.

- G. There are several events that shall make an officer or director ineligible to continue to hold a position on the BHOA Board of Directors:
1. Sold, or vacated, his/her Bayside home, unless he/she remains a Bayside Leaseholder
 2. Removed from the Board, for cause, by a majority vote of the members of the BHOA
 3. Resignation, or death
- H. Any vacancy occurring on the Board shall be filled for the unexpired portion of the term by a BHOA member in good standing. The successor shall be appointed by the BHOA President and elected by a majority vote of the Board Members.
- I. When the President leaves his/her position, if he/she is willing and able, he/she may serve on the Board for a period of one (1) year, as a non-voting member, at the discretion of the Board of Directors. In lieu of this non-voting position, he/she shall be entitled to apply for a different position on the Board, at the discretion of the Board of Directors.
- J. Meetings of the Board may be conducted by conference call, teleconference, or other electronic means provided that all persons can communicate with one another, and all persons are otherwise able to fully participate in the meeting. Votes of the members of the Board of Directors received electronically shall have the same ~~force and~~ effect as votes at a meeting.
- K. Members of the Board of Directors have the right to take any action in the absence of a meeting, via email, by obtaining the approval of the majority of Directors. Any action, so approved, has the same effect as though taken at a meeting of the Board of Directors.
- L. At a minimum, the Board will hold one (1) Board meeting prior to the Annual BHOA General Membership Meeting.
- M. Resolutions may be passed by a vote of the majority at any BHOA meeting.
- N. The Board will review all written requests, signed complaints, and other matters that are of importance to the BHOA and/or the Leaseholders of the Bayside community.
- O. Any Officer or Director, who willfully or intentionally fails to follow the Bylaws, and/or the direction of the Board and/or the membership, or who violates the trust placed in him/her, shall, upon written and specific charges filed against him/her, be censored or recommended for removal from office by a majority vote of the Board of Directors at the next Board meeting. Timely notice (at least seven (7) days' notice) of such action shall be provided to the accused party, who shall be given the opportunity to appear in his/her defense before a Special Board of Directors Meeting convened for that purpose. After removal of an Officer or Director from the Board, the membership shall be advised at the next Annual BHOA General Membership Meeting.

- P. The BHOA DMHOA (Delaware Manufactured Home Owners Association) Liaison will be responsible for communication and interaction between the DMHOA and the BHOA. He/she must be a Director, who will attend DMHOA meetings, or related functions, and report relevant matters of importance/interest to the BHOA at Board Meetings, and/or the Annual BHOA General Membership Meeting.

ARTICLE VI - OFFICERS

A. PRESIDENT

1. The President shall be the Chief Executive Officer, and is subject to the direction of the Board of Directors. He/she shall ensure all orders and resolutions of the Board are put into effect, and preside over all BHOA meetings, conducting business according to Robert's Rules of Order.
2. The President shall appoint all chairpersons of committees with approval of the Board.
3. At the direction of the Board of Directors, the President will act as primary representative of the BHOA, with the assistance of other Board Members, as necessary, in all official communications and/or meetings between the BHOA and the Landowner.
4. At the direction of the Board of Directors, the President shall lead all arbitration proceedings on behalf of the BHOA Board and the general membership, unless legal representation has been made available by the DE Department of Justice, CLASI (Community Legal Aid Society) or DEMHRA (Delaware Manufactured Home Relocation Authority) or the DEMHRA attorney fund.
5. The President, in tandem with the Treasurer, or other authorized Board member, will be responsible for filing tax returns, and all other applicable forms, required by the State of Delaware and/or the Internal Revenue Service (IRS). Additionally, he/she shall ensure all other required BHOA business-related payments are made to keep the BHOA operational.
6. The President is responsible for official communications between the BHOA and the DMHOA (Delaware Manufactured Home Owners Association), DEMHRA (Delaware Manufactured Housing Relocation Authority), State of Delaware Manufactured Housing Ombudsman, and the Landowner.
7. At his/her discretion, the President shall attend DMHOA, and/or local, county, or state meetings related to the business of the BHOA to ensure the BHOA remains operational.

B. VICE PRESIDENT

1. The Vice President will act in the President's capacity at all Board and Membership Meetings in the absence of the President. The Vice President will also assist with various committee functions, as requested by the President, and perform such other duties, and have such other powers, as prescribed by the Board of Directors.
2. If the President resigns his/her position, or is unable to fulfill his/her duties, the Vice President will assume all the duties and responsibilities of the President, until such time as a President has been temporarily appointed by the Board of Directors, or voted on by the membership at the Annual BHOA General Membership Meeting.

C. TREASURER

1. The Treasurer shall have charge and custody of all funds of the BHOA, including all dues collected, and all funds generated, or obtained, in connection with BHOA activities. A checking account will be maintained in a local bank at the discretion of the Board, and all money received shall be deposited in the name of, and to the credit of, BHOA.
2. The Treasurer will collect dues, and other funds, and deposit them into the BHOA bank account in a timely fashion. He/she shall disburse funds, as directed by the Board, ensuring proper receipts are received for accounting purposes. Projected expenditures amounting to more than Five Hundred Dollars (\$500.00) must be approved by the Board.
3. The Treasurer shall keep full and accurate accounts of receipts and disbursements in a financial ledger, and submit an updated Treasurer's Report at each Board and/or General Membership Meeting.
4. The Treasurer and President are the two authorized users/signatories of the BHOA credit/debit card and bank account, unless another Board member has been approved by the Board to keep the BHOA operational. For legitimate and approved BHOA expenses, the Treasurer has the authority to use the BHOA credit/debit card, and/or sign BHOA checks, except those that may be payable to him/her, in which case, the President shall be the authorized signatory, and vice versa.
5. Two or more Board members in the same household shall not be authorized to sign BHOA checks. Should two Board members in the same household be authorized to sign checks, one shall have check-signing authority rescinded, at the direction of the Board of Directors. In the event that such a situation exists, the Board of Directors shall grant another Board member with the authority to sign BHOA checks through the local bank authorization process.
6. An audit shall be performed annually by the BHOA President, and/or a Board-approved designee, and completed prior to the Annual BHOA General Membership Meeting.
7. The Treasurer will prepare an annual budget for review by, and approval of, the Board of Directors, and/or the general membership at the Annual General Membership Meeting.

8. The Treasurer, in tandem with the President, or other BHOA Board member, will be responsible for filing tax returns, and all other applicable forms, required by the State of Delaware and/or the Internal Revenue Service (IRS). Additionally, he/she shall ensure all other required BHOA business-related payments are made to keep the BHOA operational.

D. SECRETARY

1. The Secretary shall prepare meeting agendas in advance of all Board and General Membership Meetings, after gathering appropriate topics for discussion from Board Members. All agendas shall be disseminated to Board Members, prior to all meetings, and to BHOA members, prior to the Annual General Membership Meeting.
2. The Secretary shall give notice of all BHOA meetings for which notice is required by these Bylaws. He/she shall ensure space is available for all Board and General Membership Meetings.
3. The Secretary shall record all proceedings of BHOA Board and Membership Meetings.
4. The Secretary will ensure minutes of BHOA Board Meetings and/or General Meetings are available within fourteen (14) days of each meeting. As directed by the Board of Directors, he/she shall email the minutes to members, who have provided their emails to the BHOA. Members without email can request copies of meeting minutes by contacting any member of the BHOA Board of Directors.
5. The Secretary, if available, shall attend meetings related to the BHOA, as requested by the President and/or Board of Directors.
6. The Secretary will maintain all BHOA files, except those related to the Treasury and/or BHOA Committees.
7. The Secretary shall be responsible for all outgoing BHOA correspondence and messages, via email or postal mail, or as otherwise directed by the Board of Directors.
8. The Corporate Seal will remain in the possession of the Secretary, or as otherwise directed by the Board of Directors.

ARTICLE VII - MEETINGS

A. MEMBERSHIP MEETINGS

1. Annual BHOA General Membership Meetings will be held at Lakeside Community Center, or such other venue, as directed by the Board of Directors.
2. The rules contained in the current edition of Robert's Rules of Order shall govern BHOA meetings, as long as they are not inconsistent with these Bylaws.

3. A quorum of seven (7) voting members is required to conduct business at the Annual BHOA General Membership Meeting. This quorum shall include four (4) members, who are not Officers or Directors of the BHOA, plus three (3) Officers and/or Directors, or five (5) members and two (2) Officers and/or Directors. The quorum of seven (7) voting members must be from seven (7) different households.
4. On the matter of sale of the Bayside Community by the Landowner to the BHOA, each Household shall be entitled to only one (1) vote. On all other matters requiring a vote, each Leaseholder shall be entitled to cast his/her vote.
5. Meetings are for the sole benefit, enlightenment, or expression of views by members of the BHOA. Discussion topics shall be limited to the BHOA and/or Bayside Community.

B. BOARD MEETINGS

In accordance with Robert's Rules of Order, Board Meetings are confidential. Once the minutes are approved by the Board, they are forwarded to the membership.

C. SPECIAL MEETINGS

Special meetings may be called at any time by the President and/or Board of Directors provided that adequate information was provided to the membership in a timely manner as to the date, time, location, and reason for the special meeting. Notification will be posted on designated bulletin boards and on the BHOA website. Additionally, BHOA members, who have provided their emails to the BHOA, will receive notification via email. Business transacted at all special meetings shall be confined to the purpose, or purposes, stated in the meeting notification.

D. CONDUCT

1. Recordings and photographs are permitted only with the advance permission of the presiding Officer.
2. Any Officer, Director, or General Member, who disrupts a BHOA meeting, will be given a verbal warning by the presiding Officer. Any further outbursts will be handled by the presiding Officer, which may include notifying a Pot-Nets Safety Officer or calling 911 for assistance from a Delaware State Trooper.

ARTICLE VIII – COMMITTEES

GENERAL

1. The Board of Directors may, by resolution passed by a majority of the Board of Directors, designate committees that the Board considers necessary or desirable. Each committee shall consist of one (1) or more member(s) of the Board of Directors, and other interested member(s) of the BHOA, as designated by the Board of Directors in the resolution. BHOA members interested in serving on BHOA committees may contact any member of the BHOA Board of Directors.
2. Committees shall meet at agreed upon locations and scheduled times. Committee members shall adhere to meeting rules of procedure consistent with the resolution that established the committee, BHOA Bylaws, and Robert's Rules of Order.
3. Chairpersons and members of committees must be BHOA members in good standing.
4. Members of committees shall be directed by the committee Chairperson.
5. Committee Chairpersons are required to keep the Board of Directors up-to-date on respective committee activities, in accordance with the resolution that established the committee.
6. The BHOA President, shall be a member of every committee, except the Nominations and/or Elections Committees; however, he/she is not required to attend committee meetings, unless requested by the Chairperson.
7. At the discretion of the Board of Directors, if interviews for committee positions are conducted, the same questions must be asked of each candidate running for the same position.

ARTICLE IX – ELECTIONS

A. GENERAL

1. Once the Board of Directors has generated and passed a resolution(s) to establish a Nominations Committee and/or an Elections Committee, members of those committees will be elected by the general membership; however, in lieu of established committees for the purpose of elections, the Secretary will be responsible to solicit candidates, advertise elections, and submit candidates' names to the General Membership at the Annual BHOA General Membership Meeting.
2. No candidate for office, nor anyone living in the candidate's home, may serve on the Nominations and/or Elections Committee. If someone on the Nominations and/or Elections Committee is nominated for office, he/she, and any person living in his/her home and serving on the committee, must resign from the committee.
3. If Nominations and Elections Committees have been formed by resolution, there must be three (3) or more BHOA members, from different households, on each committee.

B. NOMINATIONS

1. If a Nominations Committee has been formed by resolution, the Board of Directors is responsible to qualify individuals through applications and interviews. Applications would need to be received by the Board of Directors at least one (1) month before the Annual BHOA General Membership Meeting is scheduled, or as may be determined by the Board of Directors.
2. The Nominations Committee Chairperson shall be responsible for presenting a list of qualified candidates to the general membership at the next Annual BHOA General Membership Meeting. Additionally, nominations of qualified individuals may be made from the floor at the Annual BHOA General Membership Meeting.
3. Any BHOA member interested in serving as a BHOA Officer or Director should contact the Nominations Committee Chairperson, or the BHOA Board of Directors, in writing.

C. ELECTIONS

1. If an Elections Committee has been formed by resolution, the Board of Directors is responsible to qualify individuals through applications and interviews.
2. Voting will be conducted by secret or absentee ballot under the supervision of an Elections Committee. Ballots must be requested, in writing, and returned to the Elections Committee Chairperson, who will be responsible for following the rules stipulated in the resolution, and adhering to administrative responsibilities, which will be detailed in the Operations Manual.

All ballots must be received no later than two (2) days prior to the date of the election of Officers or Directors in order to be valid. It is not incumbent upon members of the Elections Committee to track down secret or absentee ballots that have not been returned or received.

3. If an Elections Committee has not been created by resolution, a slate of qualified candidates will be distributed by the Board of Directors to BHOA members at the Annual BHOA General Membership Meeting, and voting will occur immediately, only by a show of hands or a voice vote. In this instance, secret or absentee ballots will not be prepared.
4. Newly-elected Officers or Directors will be installed by the President immediately following the election. In the event that the President has been elected for another term, a member of the Board will perform the installation.

ARTICLE X – BYLAWS

These Bylaws may be amended at any time by a majority vote of the BHOA Board of Directors. They will be reviewed annually, or as required, by the Bylaws Committee, whose members will assess the Bylaws' continued relevance to the successful operation of the BHOA.

1. As necessary, the Bylaws Committee shall suggest changes, and recommend appropriate revisions, and/or amendments, to the Board of Directors.
2. In order to be approved, changes and/or amendments, to these Bylaws, or any provisions thereof, shall require an affirmative vote of at least two-thirds (2/3) of the Board of Directors.
3. Upon approval by the Board, the revised document, or provisions thereof, will be emailed to the membership for review and comment.
4. Any comments from the membership will be reviewed by the Bylaws Committee. If changes are warranted, the Committee will make recommendations to the Board.
5. After the Board has reviewed and approved all revisions, the Bylaws will be presented to the membership at the Annual BHOA General Membership Meeting for a vote of final adoption.

ARTICLE XI – LEGAL

1. All Officers, Directors, members of committees, and others performing approved BHOA activities on a voluntary basis shall do so without personal liability. The BHOA shall indemnify such persons from all causes of action, except unlawful actions that violate state or federal laws, or exceed the scope of their positions.
2. Should it become necessary, and funds are available in the BHOA treasury, the BHOA will provide legal representation for all Officers, Directors, members of committees, and others performing BHOA activities, provided the activities were approved by the Board of Directors, performed in accordance with the BHOA Bylaws, and did not violate state or federal laws.
3. The Bayside Homeowners Association (BHOA) is the registered Homeowner's Association with the Delaware Manufactured Home Relocation Authority (DEMHRA) of the State of Delaware. The BHOA is the representative of the Leaseholders, who are BHOA members, residing within the Pot-Nets Manufactured Home Community of Bayside.

ARTICLE XII – HOUSE BILL 504 (RIGHT OF FIRST OFFER)

A. EQUITABLE OFFER

In accordance with House Bill 504 (Right of First Offer), should Robert Tunnell, Jr., the Landowner, and/or Tunnell Companies, or successors/landowners, put up for sale all, or any part of, the community, known as Pot-Nets Bayside, the BHOA will follow the guidelines of HB 504 to make an informed offer on that Community, as detailed below:

1. *After* inspecting the books of, and full disclosure by, Robert Tunnell, Jr., and his associates, relating to the costs of running the Bayside Community, **and**,
2. *After* reviewing a Pot-Nets Bayside appraisal, **and**,
3. *After* securing funding to purchase the community, **and**,
4. *After* consulting with the BHOA Real Estate Lawyer, **then**,
an equitable offer will be made by the BHOA for the purchase of said Community. The BHOA will negotiate in good faith with Robert Tunnell, Jr., the landowner, and/or his associates.

B. MEMBERSHIP ELECTION TO PURCHASE

On the matter of sale of the Bayside Community by the Landowner to the BHOA, each household shall be entitled to only one (1) vote.

1. On the matter of sale, Bayside community Leaseholders do not have to be dues-paying members of the BHOA. All Leaseholders are eligible.
2. On the matter of sale, a proxy vote will be for, or any part thereof, the sole purpose of voting to purchase, or not purchase, the Bayside community, or any part thereof, should it be offered for sale. Only one (1) vote may be cast with respect to each home in the community on this matter. If joint owners are unable to agree among themselves about how to vote, they lose their right to vote on this matter. The proxy vote must be in writing and signed by the member. The proxy will be valid for one (1) year from the date signed, unless it specifically provides for a longer period. A proxy is revocable at any time and shall automatically cease upon the conveyance of the home. In order to be valid, the proxy vote must be received by the date of the meeting and before the vote is called to purchase or not purchase the Bayside community.
3. On the matter of sale, a total of Thirty-Three Percent (33%) of the Leaseholders must be represented in person, or by proxy, to constitute a quorum at the meeting to vote to purchase, or not purchase, the Bayside community, or part thereof, from the Landowner. The decision to make an offer to purchase, or not purchase, the Bayside community from the Landowner will be decided by the majority of the votes cast at this meeting.

C. AUCTION

If the Community is put up for Auction, before or after the BHOA offer, the BHOA shall be present at the Auction with its representatives and real estate lawyer, and shall work to secure financing in excess of one percent (1%) of the winning bid within thirty (30) days of the Auction.

ARTICLE XIII – LEGAL REPRESENTATION

A. GENERAL

In order for the BHOA to legally represent its members in matters concerning their manufactured homes on leased land in Pot-Nets Bayside, excluding rent justification, there are several potential methods of retaining legal counsel, if and/or when BHOA requires representation, as follows:

1. BHOA treasury, if funds are available.
2. CLASI (Community Legal Aid Society) provides legal representation and advocacy for manufactured homeowners, enforcing existing rights in disputes with community owners.
3. Although not legal representation, DMHOA offers experienced guidance on how to proceed with legal issues.
4. Legal representation is not required at arbitration; however, retaining legal counsel affords the BHOA the best opportunity of being successful. In the instance of the BHOA appealing an arbitrator's decision, legal counsel is required by Delaware State law.

NOTE: The BHOA is not in the position to represent BHOA members in personal disputes between a member and the Landowner for the rent increase or lot issues.

B. RENT JUSTIFICATION

1. Affected leaseholders are those leaseholders, who signed or assumed their leases, effective November 30, 2013 and thereafter. Only affected leaseholders, who are BHOA members having given written approval for the BHOA to represent them, will be entitled to receive the benefits or proceeds arising out of arbitration or litigation between the Landowner and the BHOA. (See Appendix A, Membership Form.)
2. If the Landowner's rent justification is disputed, the BHOA can petition DEMHRA (Delaware Manufactured Home Relocation Authority) for arbitration, at which time DEMHRA will assign an arbitrator to examine the dispute, mediate the case, and render a decision.

ARTICLE XIV - INCORPORATED BY REFERENCE

All the terms, conditions, matters, and information contained, and more fully set forth, in the Certificate of Incorporation and these Bylaws are incorporated by reference.

IN WITNESS WHEREOF, the undersigned, being all of the Directors of the BHOA, have hereunto set their signatures in the year 2024, as follows:

Jacqueline Duchesneau

President

28174 Sloop Avenue
Long Neck, DE 19966
860-331-9374


Date: 9/9/24

Carol Dechen

Treasurer


27060 Island Drive
Long Neck, DE 19966
856-689-4990


Date: 9/26/24

Eileen Tuthill

Director

34484 Broadwater
Long Neck, DE 19966
302-242-1952


Date: 9-9-24

Vice President

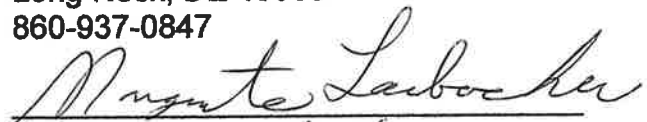
VACANT

Date: _____

Marguerite Laubacher

Secretary

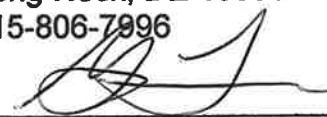
34423 Honey Spot
Long Neck, DE 19966
860-937-0847


Date: 9/9/24

Gregg Trexler

Director

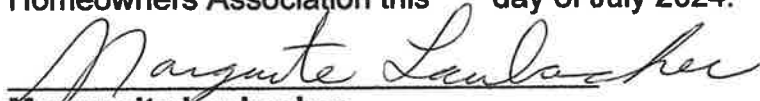
26519 Cattail Lane
Long Neck, DE 19966
215-806-7996


Date: 9/9/24

CERTIFICATION

I, Marguerite Laubacher, hereby certify that I am the Secretary of the Bayside Homeowners Association, Inc., a Delaware Corporation, and that the foregoing Bylaws constitute the Bylaws of the Association, as adopted at the Annual BHOA General Membership Meeting, held on the 8th day of June 2024.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Bayside Homeowners Association this day of July 2024.

A handwritten signature in cursive script, reading "Marguerite Laubacher", written over a horizontal line.

Marguerite Laubacher
BHOA Secretary

APPENDIX A
BHOA MEMBERSHIP FORM

BAYSIDE HOMEOWNERS ASSOCIATION (BHOA) ANNUAL Dues Year _____ \$15.00/Household

MEMBERSHIP FORM

_____ NEW APPLICATION _____ RENEWAL _____ NO LONGER LIVE IN POT-NETS BAYSIDE

SECTION A: (Please Print Clearly)

Primary Resident/Leaseholders' Name(s):

BAYSIDE 5-Digit Street Address:

Telephone: _____ Telephone: _____

MAILING Address for Correspondence:

Email Address: _____ I don't have email.

SECTION B: Please complete this form and mail it with your \$15 dues to:

BHOA Membership, 34749 Turnbuckle Street, Long Neck, DE, 19966

_____ \$15 Check payable to BHOA _____ \$15 Cash

PLEASE CHECK ONE BOX BELOW

PLEASE NOTE: The BHOA Board of Directors is LEGALLY PROHIBITED from representing any member of the BHOA without written permission, except in the matter of Right of First Offer. This form constitutes "written permission" once signed and submitted to the BHOA.

- ☐ **I WANT** to become a member of the Bayside Homeowners Association (BHOA), and **I give the BHOA Board of Directors permission to represent me**, and any other person(s) currently on the lease at the above Bayside address, in all matters related to Rent Adjustment/Reduction, and any other *community* matter related to my manufactured home in Pot-Nets Bayside. I understand I have the right to refuse representation, in writing to the BHOA Board, for any reason, at any time.
- ☐ **I WANT** to become a member of the BHOA, BUT **I DO NOT give the BHOA Board of Directors permission to represent me**, or any other person(s) currently on the lease at the above Bayside address. I understand I will not be represented by the BHOA Board in any matter related to Rent Adjustment/Reduction, or any other community matter, unless I change this option, in writing to the BHOA Board of Directors.

LEASEHOLDER SIGNATURE

PRINT NAME

DATE

LEASEHOLDER SIGNATURE

PRINT NAME

DATE