

# Sturgeon Rush Owners Association By-Laws

As Approved September 8, 2024

## BY-LAWS OF THE STURGEON-RUSH OWNER ASSOCIATION

### ARTICLE I

#### Section 1

#### Definitions

The following words when used in this Declaration or any Supplemental Declaration (unless the context shall prohibit) shall have the meanings:

- a) "Association"
  - shall mean and refer to Sturgeon-Rush Owners Association.
- b) "The Properties"
  - shall mean and refer to all such properties as are subject to this Declaration or any Supplemental Declaration.
- c) "Common Properties"
  - shall mean all real property owned by the Association for the common use and enjoyment of the owners. They shall be for use by all members in good standing and their guests. No commercial use of these properties is allowed without the express written consent of the board of directors. The common properties owned by the Association at the time of the conveyance are described as follows:
    1. A tract of land in Government Lot 5 of Section 20, Township 45 North, Range 19 West, more particularly described as follows to Wit: Commencing at the Southeast corner of said Section 20, thence bearing North 0° 05' West on the East line thereof a distance of 725.46' to the point of beginning of the tract to be herein described, thence at right angles West a distance of 100.0', thence bearing North 0° 05' West a distance of 250', more or less, to the shore of Sturgeon Lake, thence Easterly on said shore line a distance of IOC, more or less, to a point which bears North 0° 05' West from the point of beginning, thence bearing South 0° 05' East a distance of 280', more or less, to the point of beginning. Containing 0.61 Acre, more or less.
    2. A tract of land in Government Lot 2 of Section 28, Township 45 North, Range 19 West, more particularly described as follows, to Wit: Commencing at the Southwest corner of said Government Lot 2, thence bearing North 0° 00' on the West line thereof a distance of 995.04' to the point of beginning of the tract to be herein described, said point being also the Northwest corner of the Plat of Rearrangement of Hogan's 28, thence bearing North 89° 0' 41" East on the North line of said plat a distance of 250C, thence bearing North 28° 10' 00" West a distance of 31(Y, more or less, to the shore of Rush Lake, thence in a Southwesterly direction on said shore line a distance of IT, more or less, to the West line of said Government Lot 2, thence South a distance of 163', more or less, to the point of beginning. Containing 43,200 square feet, equals 0.99 Acre more or less.
    3. A tract of land in Government Lots Five (5) and Six (6) of Section Twenty-one (21), Township Forty-five (45) North, Range Nineteen (19) West, Pine County,

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Minnesota, described as follows: Commencing at the Northeast corner of Government Lot 6 thence South 89°49'26" West (assumed bearing) on the North line of said Government Lot 6 a distance of 209.21', thence South 55°48'26" West 94.19' to a point which is the most Northerly corner of Lot 3, Block 1, of the recorded Plat of Wild Acres, thence South 50°00'09" West on the Northwesterly line of said Lot 3 a distance of 209.12' to the point of beginning, thence North 50°08'09" East on said line of Lot 3 a distance of 104.56', thence North 26°14'08" West 134.76' to a point on the center-line of County Aid Road No. 46, thence North 59°41'38" East 101.28' to the intersection with a line which bears North 27°05'34" West from the most Northerly line of said Lot 3, thence North 27°05'34" West more or less, to the shore of Sturgeon Lake, thence Southwesterly on said shoreline 198', more or less, to a point which bears North 25°3'06" West from the point of beginning, thence South 25°3'06" East 322', more or less, to the point of beginning. AND that part of Lot 3, Block 1, of the recorded plat of Wild Acres described as follows: Beginning at the corner of said Lot 3 which is the Northeast corner of Lot 27 of Block 1, thence North 89°54'04" West on the North line of said Lot 27 and continuing on this straight line to the Southwesterly line of said Lot 3 a total distance of 457.27', thence North 25°54'59" West 84.72' to the Northwesterly corner of said Lot 3, thence North 50°08'09" East on the Northerly of Lot 3 a distance of 209.12' to a point 104.56' from the most Northerly corner of said Lot 3, thence South 27°24'16" East 182.22' to the Southwest corner of Lot 2, Block 1, thence North 89°30'06" East on the South line of said Lot 2 a distance of 250.01', thence South 0°05'56" West 50.00' to the point of beginning. Containing 1.6 acres, more or less.

- d) "Lot"
  - shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of Common Properties as heretofore defined:
    - i A Lot shall mean any plot of land shown upon any recorded subdivision map consisting of Wild Acres East, Wild Acres and/or Hogan's Acres which are comprised within the Sturgeon Rush Owners Association, with the exception of the Association's Common Properties. All lots within the association shall consist of equal status, whether developed or undeveloped and will not be given any other description aside from their related Block and Lot number, and/or Parcel number as designated for tax purposes by Pine County.
- e) "Owner"
  - shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.
- f) "Member"
  - shall mean and refer to every person or entity who holds membership in the Association.
- g) "Guest"
  - shall be that person whom is visiting with a member on the member's lot and under the supervision and direction of said member.
- h) "Dues"
  - shall also be referred to as assessments in this declaration.

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## ARTICLE II

### Section 1

#### Name

The name of this organization shall be Sturgeon-Rush Owners Assn., Inc. The registered office address for the Association is the address of the current SROA Board President as published in the Spring Newsletter. The Association mailing—address is P.O. Box 155, Sturgeon Lake, MN 55783.

### Section 2

#### Objective

The objective of this organization shall be to provide for the preservation of the values and amenities in said community and for the maintenance of said common properties for the good of those in this community. This agency is delegated and assigned the powers of maintaining and administering the community properties and facilities and administering and enforcing the by-laws and restrictions and collecting and disbursing the dues and charges.

## ARTICLE III

### Section 1

#### Membership

The membership of this organization shall be as follows: Ownership of one or more lots in Wild Acres East, Wild Acres, or Hogan's Acres is necessary for membership in the Association. The registration shall include the owner's name, mailing address and phone number and the area, block, and lot number or physical address of owned lot(s).

### Section 2

#### Voters Rights

The voter's rights and privileges are as follows: Property owners of legal voting age who are registered with the association and are members in good standing may hold office, entertain motions, and vote in all business matters of this organization. One authorized vote is allowed per lot.

### Section 3

#### Dues

Dues are set, per year per lot, payable upon registration or by May 31<sup>st</sup> each year. Dues are to be reviewed by the board of directors yearly. Any proposed change shall be presented to the general membership for consideration after proper notification and then approved by the board. Nonpayment of dues will constitute not in good standing for that member and negate that member's voting rights to participate in elections or hold office and any access to the common properties. The board must approve other "Not in Good Standing" situations.

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## Section 4

### Membership Dues

Membership Dues will be published in the Spring newsletter. They are set on an annual basis and are due by May 31st. If the Membership Dues are not paid by June 1st, a late charge will be applied. The late charge is 20% of any unpaid balance. Passes are released only after the Membership Dues are paid. The passes will be valid for 12 months from May 1st through May 1st of the following year.

## Section 5

### Purpose of Dues

The dues levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the residents of the Properties and in particular for the improvement and maintenance of common properties, services, and facilities devoted to this purpose and related to the use and enjoyment of the Common Properties and of the homes situated upon the Properties.

## Section 6

### Change in Annual Dues

The Association may change the amount of the Membership Dues provided that any such change shall have the assent of two-thirds (2/3) of the votes of Members who are voting in person or by absentee ballot, at the Annual Spring Meeting. Any proposed change in Membership Dues will be published in the spring newsletter prior to the Annual Spring Meeting.

## Section 7

### Special Assessments for Capital Improvements

In addition to the annual dues authorized above, the Association may authorize in any calendar year, a special assessment applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a described capital improvement upon the Common Area, including the necessary fixtures and persona! property related thereto, provided that, any such assessment shall have the assent of two-thirds (2/3) of the votes of Members who are voting in person or by absentee ballot at a meeting duly called for this purpose or at the annual spring meeting, written notice of which shall be sent to all Members not less than 30 days nor more than 60 days in advance of the meeting setting forth the purpose of the meeting.

## Section 8

### Suspended Membership

A member will have their lot(s) placed in a Suspended Membership status when Membership Dues are not paid for a period of two years. An owner will also be placed in the Suspended Membership status if the owner has not fully paid all other monies owed, including late fees or other assessments for a two-year period on all lots that the member owns. To be released from

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this Suspended Membership status, the owner of said lot(s) must pay a Membership Reinstatement Fee.

Steps to be taken to suspend membership:

1. Invoices sent out, with past due notice.
2. Formal warning of impending suspension.
3. Written notice of suspension with amount due including reinstatement fee.

## Section 9

### Membership Reinstatement Fee

The Membership Reinstatement Fee is set by the board of directors and the amount is subject to change by the board under the same rules as are set for change in Membership Dues. The Membership Reinstatement Fee is set at this time at \$100, which does not include any unpaid Membership Dues, assessments, late fees, or back dues.

The Membership Reinstatement fee may be forgiven only in extremely unusual circumstances after the member has petitioned the Board in writing and has won the approval of the Board by a majority vote at a regularly scheduled Board Meeting.

## Section 10

### Transfer of Title or Sale of Property

Upon the transfer of title or sale of the property all dues, late fees, and penalties must be paid in full. Any unpaid special assessments may be passed on to the new owner with a reinstatement fee. If membership was not kept up to date.

## Section 11

### Suspension of membership due to violations or misconduct

Members may be suspended due to act of misconduct or violations of by-laws. Board members will meet to discuss violations and suspensions.

1. Member will receive a verbal warning, if witnessed by another member.
2. Members will receive a written warning by mail.
3. 2<sup>nd</sup> violation will result in a 1-year suspension with \$100 reinstatement fee.
4. Further violations may result in more penalties/suspensions.

## ARTICLE IV

### Section 1

#### Board Of Directors

The Board of Directors shall have a minimum of ten (10) Directors including Officers.

### Section 2

Directors must be registered members of the Association.

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## Section 3

Directors will be elected at the spring general meeting, which will be held on the Saturday of the Memorial weekend. A Director may serve multiple terms. Directors shall be elected on a rotating basis with approximately one third of the board elected yearly. Terms for officers will be for three years. Terms for directors at large will be for two years. Elections will be held during the new business of the Annual Spring Meeting and newly elected board members will assume their respective positions at the close of that meeting.

## Section 4

Failure of a Director to attend three consecutive scheduled meetings, with such absence unexcused by the President shall constitute voluntary resignation of such Director.

## Section 5

If a vacancy in a Board Director's position occurs because of death, illness, or any other reason the Board may appoint a substitute to serve out the remainder of the term.

## Section 6

Directors will bring the problems and suggestions of members to the attention of the board. Board members elected to an office will discharge the duties of said office keeping the good of the area and organization as a whole in mind.

## Section 7

### Annual Pre-Meeting

Directors will meet at least one to three weeks prior to and following the spring general meeting to deal with the business and agenda of that general meeting. The Directors will also meet on the Saturday of the Labor Day weekend in an open forum meeting for the purpose of conducting Association business and in March or April to approve the newsletter and as deemed necessary.

## Section 8

### Special Meeting

Any officer of the Board or any two Directors may call a special meeting by notifying the President and Secretary of the need of a special meeting. Notification of special meetings shall not be less than 5 nor more than 30 days.

## Section 9

Two (2) of the Directors at large plus two Officers will constitute a quorum for an official meeting

## Section 10

### Board Expenditure Limit

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The Board is limited to expenditures not exceeding \$2000 in any one transaction with Board approval and without authorization of the voters at a general meeting. Expenditures may not exceed the monthly balance of the checking account. Expenditures of more than \$2000 must be brought before the membership at the annual spring meeting or a special meeting with notice of that expenditure issue given in print by mailing to the membership prior to such meeting.

## Section 11

In situations where an operating expense is other than routine, a resolution of the Board or a motion from the floor at a general meeting may authorize the organization to assume the additional expense. Motion from the floor authorizations require a majority vote at a general or special general meeting.

## Section 12

The organization will accept contributions of services or money that would defray expenses of the organization. Such contributions would be announced at the following general meeting.

## ARTICLE V

### Section 1

#### Officers

The elected officers on the Board of Directors will assume the same office for the organization. These positions will include a President, Vice-President, Secretary, and Treasurer.

1. The board may implement a bookkeeper position to ease the load of the Secretary and Treasurer when the Board deems it doable.

### Section 2

#### President

The President, (in the absence the Vice-President) shall preside at all Board and General Meetings, preserve order and enforce the by-laws. The President shall decide all questions of order and usage according to parliamentary procedure governed by Roberts Rules of Order and appoint all committees not otherwise provided for.

### Section 3

#### Authority of the Officers/Board

The authority and finances of the Officers and Board shall be as follows: The Board is authorized to conduct the business of this organization as specified in the Articles and By Laws. They will consider and act on suggestions or motions of the members when such suggestions or motions are within the scope of the organization.

### Section 4

#### Pay

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No Director or Officer of this organization will receive wages or compensation for services of his/her position of director for the organization unless specifically stated in the By-Laws of this organization.

1. Valid expenses incurred in connection with the business of this organization may be reimbursed. The Secretary and Treasurer may each receive up to \$100 per year to cover costs of phone calls, mileage, etc. Yearly periods will run from the annual spring meeting until the following spring meeting. Payment will be made at the end of each year.

## Section 5

### Duties of Officials

1. President
  - a. shall consist of:
    - i. Conducting board and general meetings.
    - ii. The signing of checks with the treasurer.
    - iii. Appointing committee members.
2. Vice President
  - a. shall consist of:
    - i. Ordering and overseeing the maintenance, security, and welfare of the common properties.
    - ii. The duties of the President in the President's absence.
3. Secretary
  - a. Shall consist of:
    - i. The keeping, maintaining, and updating of the membership records.
    - ii. Taking notes at meetings and providing those notes when required.
    - iii. Providing any Association correspondence as so ordered by the President.
    - iv. The creation, printing, and mailing of passes, notifications, and newsletters and the mailing of billings.
    - v. The procurement and opening of Association mail
      1. All received mail relating to billing will be given to the Treasurer.
    - vi. Assisting the Treasurer at the Spring Meeting in the collection of dues and disbursement of passes.
    - vii. Notification of all meetings including the posting of meeting notices for the Annual Spring Meeting and the Fall Open Board Meeting on the bulletin board at the entrance to the beach/recreation parking area.
    - viii. The duties of the Vice President in the Vice President's absence unless otherwise designated by the President.
4. Treasurer
  - a. shall consist of:
    - i. The keeping, maintaining, and updating of all monetary records.
    - ii. The receiving, recording, and depositing of all monies.
    - iii. The payment of all billing.
    - iv. The recording of all dues paid.
    - v. The signing of checks with the President.
    - vi. Assisting the Secretary in the recording and mailing of passes.



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## Section 9

### Safety Deposit Box

A Safety deposit box will be maintained containing a copy of the Covenant, By-Laws, deeds, and other papers as determined by the Board of Directors. The Treasurer will be responsible for this box. Another key for this box will be kept by another officer of the Board at the discretion of the President.

## ARTICLE VI

### Section 1

#### Meetings

- a) A general meeting shall be a public meeting open to all members of the organization and other interested parties.
- b) There will be one (1) general meeting a year to be held on the Saturday morning of the Memorial weekend plus special meetings if necessary. Special meetings will be scheduled for a Saturday.
- c) The notification of the Spring General Meeting 'Will be made in the newsletter that goes out with the first billing and on the bulletin board at the entrance to the beach/recreation parking lot.
- d) To call a Special General Meeting a majority vote of the Board is required. Each member will be notified by a special mailing at least 5 days, but not more than 30 days prior to the Special General Meeting. The reason for the meeting will be stated.
- e) Registered voters, including those in attendance and by absentee ballot, will constitute a quorum for a general meeting and for a special general meeting.
- f) A summary of the Minutes of the last General Meeting will be read at the next General Meeting. Minutes of all Board Meetings held during the interval between General Meetings may be read in summary format at the next General Meeting so long as complete copies of the Board Meeting minutes so summarized are available. Summarized Minutes equally require voice vote approval as summarized and a copy of the summary shall be filed with full Board Meeting minutes that were summarized. Board meeting Minutes will include roll call of Officers and Directors.
- g) For legal notices the newspapers of record will be the Evergreen and the Moose Lake Star Gazette.

### Section 2

- (a) A Board meeting shall consist of Officers and Directors at Large. Other interested parties may attend with voice, but no vote.
- (b) The directors shall meet as described in Article IV.
- (c) All Directors will be notified of regular and special Board meetings at least 5 days, but not more than 30 days prior to the meeting unless immediate telephone notification is required.
- (d) Two (2) of the directors at large plus two officers will constitute a quorum for a Board Meeting. Any officer of the Board or any two directors may call a special Board meeting by notifying the President (or Vice-President in case of the President's absence) and the Secretary (or the Treasurer in the case of the Secretary's absence).

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## ARTICLE VII

### Section 1

#### Committees

This organization may utilize two types of committees. A standing committee may be appointed for one year at the annual spring meeting each year. An action committee would work on a specific problem or project of the organization to completion. All committees must be reestablished on an annual basis.

### Section 2

One Director will be delegated as a member of each special committee plus as many general members as necessary to accomplish the purpose of the committee.

### Section 3

All committees will report their findings to the Board for evaluation and resolution.

### Section 4

The board has the authority to create committees as it sees fit. No committee's decision is binding on the Board unless specifically approved by the Board.

## ARTICLE VIII

### Section 1

#### Amendments

Consideration for any bylaw to be altered, adopted, added or deleted may be done by approval by majority vote at the spring general meeting. Approval by the board shall be decided at the following board meeting or at the fall board meeting after proper notification of the consideration at the spring general meeting. The motion may originate from a member in good standing or from a resolution by the Board.

### Section 2

These bylaws should be reviewed on an annual basis by the Board of Directors with recommendations to the General Body for updating and revisions.

### Addendum I

#### Capital Fund

- Commencing June 1, 2009, the Association and the Board shall establish and maintain a capital fund to meet unforeseen expenditures or to purchase additional equipment or

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services to make improvement and/or upgrades to the Association's common properties.

- This fund shall be held separately from the general fund. Monies from the capital fund shall not be used for normal, annual operating expenses (e.g., printing, postage, supplies, and regular maintenance).
  - Annually, ten percent (10%) of the dues collected will be placed into the capital improvement account. Barring an emergency need for these monies, a minimum of one thousand dollars (\$1000) must be held in reserve.
  - An emergency would be declared by the majority vote of the Board for immediate safety needs at the common property sites or in the event of damage caused by vandalism, theft, accidental damage or acts of nature.
  - For needs not of an emergency nature, a majority vote of those in attendance at the spring or fall meetings must be conducted for any expenditure that would cause the fund to fall below the \$1000 minimum.
  - The minimum of \$1000 must be reached no later than May 31st of the following year.
- In addition to the annual dues and subject to limitations set forth hereafter, the Board may levee, in any due's year, a special assessment for the purposes of capital improvements.
  - At the fall meeting, the Board shall solicit ideas from members for improvements. Between the fall and spring meetings, the Board will establish priority rankings of suggested capital improvements and shall obtain cost estimates for the improvements. This information will be presented at the spring meeting for discussion and approval of the majority of members in attendance. Once approved, final bids will be obtained and the improvement will be completed as approved following all applicable codes and regulations.

Adopted May 27, 2017