

**BY-LAWS
OF
COUNTRY CLUB ESTATES
TALLADEGA ALABAMA**



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~~Billy Atkinson~~
~~Probate Judge~~
~~Talladega County, AL~~

STATE OF ALABAMA

TALLADEGA COUNTY

COUNTRY CLUB ESTATES LOT OWNERS ASSOCIATION *PKC*
Amend. by laws

**ARTICLE I
NAME**

The name of this association is Country Club Estates Lot Owners Association, and will be hereinafter referred to as the Association.

**ARTICLE II
PURPOSE**

The objects and the purpose or purposes for which the Association is formed, were as follows:

- (1) To maintain, repair, construct and reconstruct, as becomes necessary, all public facilities in Country Club Estates Subdivision located in Talladega County, Alabama, including but not limited to the roads, park areas, clubhouse, swimming pool, tennis courts, boat launching areas *and* rights-of-way, *except the roads dedicated to the county* [and the water supply system].
- (2) To purchase, lease or otherwise lawfully acquire, hold and own all machinery, equipment, tools, materials, fixtures, and apparatus of whatever nature necessary or incidental to the business of the Association as aforesaid.
- (3) To purchase, acquire, hold, sell, convey, assign, mortgage, lease and deal in real and personal property of every kinds and nature. [and to lend money and take securities for the payment of all sums due the Association and to sell, assign and release such securities.]
- (4) To borrow money for any of the purposes of the Association, to enter into,

Billy Atkinson, Probate Judge, Talladega County, AL

make, and perform contracts of every kind for any lawful purpose, with any person, firm association or any corporation, town, city, county, body politic, state, or any governmental corporation or agency.

(5) To do such other things as are incidental, proper or necessary to the operation of the [business] *Association* or the carrying out of the objects, purposes, powers and privileges herein granted. To promote pleasure, social recreation and sports activities for its members, their families and guests and to develop and maintain the recreational facilities now existing or hereafter placed in the development.

ARTICLE III MEMBERSHIP

All lot owners in Country Club Estates Subdivision shall be members of the Association. Every person who acquires title, legal or equitable, to any lot in Country Club Estates Subdivision shall be a member of the Association, except that only one of any number of co-owners of a lot shall be a member, all other co-owners shall be considered as Associate members. Membership shall be appurtenant to and may not be separated from ownership of any lot.

The Association shall have one class of voting membership. The members shall be the owners of all the lots within Country Club Estates Subdivision, and shall be entitled to one vote per member, regardless of the number of lots owned. When more than one owner holds legal or equitable ownership in any lot, only one such person shall be a voting member of the Association, all other owners shall be Associate members. Associate members shall have none of the rights of members who vote at meetings of the Association.

The foregoing provisions requiring that owners of all the lots within the development be members of the Association is not intended to apply to those persons whom hold an interest in such real estate merely as security for the performance of an obligation to pay money, e.g. mortgagees and land contract vendors. However, if such person should foreclose upon his security and become the real owner of a lot within the development, he will then be subject to all the requirements, limitations, and restrictions imposed on the owners of a lot within the development, he will then be subject to all the requirements, limitations, and restrictions imposed on the owners of a lot

within the development and members of the Association including those provisions with respect to the annual payment of dues.

Annual dues payable to the Association shall be due and payable on the first (1) day of the first month following the month in which assessments are mailed each year. Assessments are as follows:

Offshore Lot:	[\$35.00]	\$50.00 annually
Offshore Lot w/house:	[\$50.00]	\$75.00 annually
Lakefront Lot:	[\$75.00]	\$100.00 annually
Lakefront Lot w/house:	[\$100.00]	\$125.00 annually

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The annual dues assessed against each lot shall be the personal liability of the Owner as well as constituting a lien upon the lot or lots owned by the person owning such charge or charges and shall remain a lien against said lot or lots until paid in full together with interest as hereinafter provided with any other charges or costs levied against said lot in accordance with these restrictions. Such charges shall bear interest at the rate of [eight (8%) per annum until paid in full, if said charges are not paid on or before the first (1st) day of June each year.] *one and fifty seven hundredths percent compounded monthly on the unpaid balance until paid in full. Annual Dues are to be paid no later than the first day of June each year.* If, in the opinion of the Board of Directors of the Association, such charges have remainder due and payable for an unreasonably long period of time, they may, on behalf of the Association, institute such procedures, either in law or in equity by way of money action, foreclose of such lien or otherwise, to collect the amount of said charges in any court of competent jurisdiction. The owner of the lot or lots subject to the charge, shall in addition to the amount of the charge at the time legal action is instituted, be obligated to pay any expense or costs, including attorneys' fees incurred by the Association in collecting the same.

Sale or transfer of any lot shall not affect the assessment lien. The dues assessed by the Association shall be used exclusively for the purpose of promoting the recreation, health, social endorsement, safety and welfare of the member of the Association, and in particular for the improvement and maintenance of the properties owned or operated by the Association.

The Association shall upon demand, at any time, furnish a certificate in Writing signed by an officer of the Association certifying that the assessment

on a specified lot has been paid or that certain assessments against said lot remains unpaid, as the case may be. A reasonable charge may be made by the Board of Directors of the Association for the issuance of the certificate. Such certificates shall be conclusive evidence of payment of the assessment therein stated to have been paid.

ARTICLE IV BOARD OF DIRECTORS

The number, qualifications, terms of office and manner of selection of members of the Board of Directors for the Association shall be as follows:

- (a) The entire control and management of the Association is vested in the Board of Directors. The number of Directors shall be twelve.
- (b) Four directors shall be elected each year at the annual meeting of the members.
- (c) The terms of office of the members of the Board of Directors elected [after] the initial Board of Directors shall be three years in length. *A board member must be in good standing with the Association and abide by the restrictions of the community.* The terms of office of the Board of Directors shall be staggered so that one-third of the members shall be elected each year. Vacancies occurring during the term shall be filled for the unexpired portion thereof by the remaining members of the Board.
- (d) In the second quarter of each year the Directors shall hold their annual meeting at Country Club Estates in Talladega County, Alabama, for the purpose of electing and designating the officers for the ensuing year. At said meeting, the officers shall make a report of their acts and doings, during the preceding year, and shall transact such other business as may be brought before the meeting. The annual Directors' meeting may be held jointly, in whole or in part, with the annual meeting members.
- (e) Regular periodic meetings of the Directors shall also be held in each quarter in each year, at a time and place selected by the Chairperson or any two directors. Quarterly meetings may be cancelled if the Chairperson and any four directors agree to dispense with the meeting.

(f) Special meetings of the Board of Directors may be held at any time and place designated by the President on three (3) days notice to each Director.

(g) Two-thirds of the Directors shall constitute a quorum at any meeting of the Board of Directors, and all questions shall be determined by a majority vote; provided, however, that any amendment of the by-laws of the Association shall require an affirmative vote of not less than three-fourths of the Directors in office.

(h) Notwithstanding any provision contained herein, the Board of Directors shall have the right to suspend the voting rights, and the right to use the facilities of the Association of any member or Associate member:

- (1) For any period during which any Association charge owed by the Member or Associate member remains unpaid; and**
- (2) During the period of any continuing violation of the restrictive covenants for the development after the existence of the violation shall have been declared by the Board of Directors of the Association.**

ARTICLE V OFFICERS

Section 1: Officers of this Association shall consist of the President, Vice President, Secretary and Treasure.

Section 2: Terms of office of the various officers shall be one year or until a successor is duly elected.

Section 3: The officers shall be chosen by a simple majority of the Board of Directors.

Section 4: Duties of Officers:

President: The President shall preside at all meetings of the Association and Board and shall have general supervision over the officers of the Association.

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Vice President: The Vice President shall, in the absence of the President, perform the duties of the President and other duties assigned to him by the President.

Secretary: The Secretary shall keep minutes of all meetings of the members, and the Board of Directors. The Secretary shall handle giving and serving all notices required by the by-laws and shall sign with the President all contracts authorized by the Board.

Treasurer: The Treasurer shall receive and hold the funds of the Association and pay out the same only in accordance with the directions of the Board of Directors. The Treasurer shall deposit all monies, checks and other credits to the account of the Association in such bank or banks as may be designated by the Directors. The Treasurer shall render to the Board of Directors an account and statement of all his transactions at the annual meeting and at such other times as the Board may determine. The Treasurer [shall be] *may be* bonded in an amount determined by the Board of Directors. The premium for such bond shall be payable from the Associations' bank account.

Executive Committee: The Executive Committee shall consist of the officers of this Association. The duties of the Executive Committee shall be to conduct such business of the Association and Board of Directors; to report actions by it to the Directors and membership at its next meeting for approval; to formulate policies and make recommendations thereon to the Association, and certify to an annual audit. The Executive Committee shall meet as often as it deems necessary.

ARTICLE VI RULES OF ORDER

The rules contained in Robert's Rules of Order shall govern the Association in all cases to which they will apply and in which they are not inconsistent with the by-laws.

ARTICLE VII COMMITTEES

Section 1: The President, with the approval of the Board of Directors, may appoint any committee he deems necessary and shall appoint a chairman of that committee.

Section 2: The President shall appoint a nominating committee at least two weeks prior to the annual meeting for the purpose of nominating officers to be elected at the meeting. Nominations may be made from the floor.

ARTICLE VIII MISCELLANEOUS

Section 1: Checks. Checks or drafts on the funds of the Association shall be signed by any persons expressly authorized by the Board of Directors.

Section 2: Review. The Executive Committee shall arrange for an annual review of the books of the Association by a Certified Public Accountant or public accountant.

ARTICLE IX AMENDMENTS

The by-laws of this Association may be amended or revised by the membership at any time by the affirmative vote of at least two-thirds of the members present at any regular or special meeting, provided that the notice of any such meeting contains a summary of the proposed amendment or amendments; alternatively, these by-laws may be amended or revised at any meeting of the Board of Directors, by the affirmative vote of three-fourths of the Board of Directors in office.

ARTICLE X
CONSTRUCTION

No building shall be constructed within Country Club Estates Subdivision without first obtaining the written approval of the plans for said building from the Architectural Committee. The final plans for any building must be submitted to said Architectural Committee showing the square footage and an exterior sketch of the proposed building. If the Architectural Committee has not notified the party submitting the plans within [45 days] *14 days* from the date of their submission, [then the Architectural Committee shall be stopped to reject the plans.] *then the Board of Directors will take over the matter.*

[ARTICLE]
[PROXIES]

[Any member shall be permitted to vote at any meeting in person, or he may vote by mail on a ballot to be prepared by order of the Board of Directors. All proxies to be voted at the Association meetings must give written notice to the Secretary of the Association within 20 days of the scheduled meeting and attach a copy of his proxy along with his notice.]

Adopted this 14th day of June, 2010, at the Executive Board Meeting of the Lot Owners Association by three-fourths vote of the Executive Board.

Country Club Estates
Lot Owners Association

By David E. Roberts
President

Document prepared by:
David Roberts
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Attest:

Kay Clements
Secretary

Note: Words or phrases in brackets [] have been deleted. Anything italicized has been added.

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