

**GENERAL BYLAWS OF HI-LAND LAKE PROPERTY OWNERS
ASSOCIATION. INC.**

ADOPTED MAY 15, 1973

AMENDED July 11, 1992

AMENDED July 11, 1993

AMENDED July 13, 1995

AMENDED August 22, 1999

AMENDED July 31, 2005

AMENDED August 4, 2007

AMENDED August 16, 2008

AMENDED August 14, 2017

ARTICLE I -- INCORPORATION

- SEC. 1: NAME. This Association, Incorporated under Michigan Public Act 137, 1929, as amended, shall be known as Hi-Land Lake Property Owners Association, Inc.
- SEC. 2: MEMBERSHIP. Any person being a freeholder of any lands within Pickerel Point Sub., Hi-land Lake Sub., Hi-land lake Sub. No. 2. Hi-land Lake Sub. No. 3, Hi-land Lake Sub. No. 3 Annex, Hi-Land Lake Sub. No. 4, Hi-land Lake Sub. No. 4 Annex, West Side Sub., Dunrovin Sub., and all of the parcels of land described as: all Lots and/or parcels abutting on West Shore Drive, any and all islands located in Hi-land Lake, all parcels of land located in the East 1/2 of Section 32, not owned by the State of Michigan; all parcels of land in the Southeast 1/4 of the Northwest 1/4 of Section 32, not owned by the State of Michigan; all parcels of land in the Southwest 1/4 of Section 32, Putnam Township, Livingston County, Michigan, not owned by the State of Michigan; and excluding all parcels of land in Section 32, as set forth in the articles of incorporation of the Hell Property Owners Association, Inc., dated April 7. 1962, and owned by the incorporators thereof, which by resolution of the Board of Trustees is determined to be benefited by membership in this corporation, shall become a Member thereof by authority of the result of the election held July 18. 1964, under the provision of Public Act 137, 1929, as amended, of the State of Michigan, and upheld by the Circuit Court of Livingston County, State of Michigan, the 8th day of February 1967. **Only Members in good standing, meaning those who are current in the payment of Association dues, are allowed to vote at the Annual Meeting or any Special Meeting.** Membership shall terminate upon the alienation of the property of a Member.
- SEC. 3: PURPOSES. The Purposes of this Association shall be:
- (1) Maintain and repair private roads and bridges.
 - (2) Augment maintenance of county roads.
 - (3) Maintain lake weed control.
 - (4) Detect sources of environmental pollution and inform proper authorities of action.
 - (5) Implement such programs and activities as will preserve and add to the beauty of the area and the health, welfare, and safety of its members.
 - (6) Exercise the corporate powers and jurisdiction as conferred by Michigan Public Act 137, 1929, as amended.
- SEC. 4: TRUSTEES. The Board of Trustees shall be composed of nine Trustees, **six of whom shall be Members in good standing and not more than three of whom may be Members and/or non-Member residents representing Members in good-standing**; three to serve for a term of one year, three for a term of two years; and three for a term of three years. Trustees elected at subsequent Annual Meetings shall be elected for a term of three years.
- Trustees and Officers are indemnified by the Association from claims arising out of their actions as Trustees and Officers to the extent permitted by law.**

SEC. 5: TERM OF EXISTENCE. This shall be for thirty years unless reincorporated as provided by state law.

(Date of reincorporation; February 8. 2022)

ARTICLE II -- ASSOCIATION

- SEC. 1: GOVERNMENT. This Association shall be governed in accordance with Michigan Public Act 137, 1929, as amended; these bylaws; and Roberts Rules of Order, except when modified by local, state, or national laws, rules, or regulations.
- SEC. 2: ANNUAL MEETING. The Annual Meeting of this Association shall be held in Livingston County between June 1 and August 31 of each year, at such date, time and place as may be fixed by the Board of Trustees. The Secretary shall so notify all members at least twenty days prior to the date thereof, by mail addressed to the last known address of each Member. Such notice to include ballots for Trustees and any amendments or assessments.
- SEC. 3: ELECTION. At each Annual Meeting there shall be elected such number of Trustees as shall be necessary to fill the places of Trustees whose terms of office then expire, and all other vacancies. Such elections shall be by ballot and choice of Trustees shall be by a majority of all votes cast. Members **in good standing** may vote in person or by proxy filed with the Secretary prior to the meeting. Each Member **in good standing** shall be entitled to one vote.
- SEC. 4: REPORTS. At each Annual Meeting the Trustees shall make a report, in writing, of the management of the business of the corporation, the condition of its property, its assets and liabilities, and upon such other matters as may be proper and of general interest to the members.
- SEC. 5: SPECIAL MEETINGS. Special meetings of the Association shall be called by a majority approval of the Board of Trustees; or by any officer of the Association upon written petition of not less than fifteen members. Proposals to be voted on shall be submitted to all members by mail ballot at least twenty days prior to the meeting date, and shall include date, time and place of such meeting. A majority vote of the members **in good standing** voting, by mail or in person, shall be required for approval of any proposal. Business transacted at such meetings shall be limited to matters stated in the call therefore.

ARTICLE III -- TRUSTEES

- SEC. 1: AUTHORITY. The Board of Trustees shall have the management and control of all business and property, real and personal, of the corporation and shall represent the corporation with full power of authority to act for it in all things legal whatsoever, and subject only to restrictions or limitations imposed by these bylaws or by a majority vote of members voting, either by mail or in person, at any Annual or

Special Meeting. No Trustee shall receive compensation for duties performed as such with the exception that a trustee may be compensated for any task that would otherwise be done by and entity other than a Trustee for compensation.

(A) Definition: A Trustee is one who stands in a fiduciary relation to the members of the lake association as a whole; i.e. one who puts their own interests aside for the benefit of the community as a whole.

- SEC. 2: ELECTION. Immediately following the election of Trustees at the Annual Meeting, the Trustees so chosen shall elect by ballot a President, Vice-President, Secretary, and Treasurer from their members, who shall hold their offices for one year and until their successors shall be elected and qualified. They shall discharge the usual duties of such offices and such other duties as may be prescribed by the bylaws and orders of the corporation. Two-thirds of the members of the board shall constitute a quorum for the transaction of business, and any vacancy in the board may be filled by the remaining members. Such appointee shall hold office until the next annual meeting of the corporation.
- SEC. 3: REGULAR MEETINGS. Meetings of the Board of Trustees shall be open to the public and a schedule of regular meetings, stating day, date, time and place shall be mailed to all members for the succeeding calendar year. Any changes in such schedule shall be posted at the regularly scheduled meeting place or business office 12 days prior to re-scheduled meetings. Trustees' attendance at meetings is expected. Trustees missing 2 consecutive meetings can be removed by the vote of a 2/3 majority of the remaining Board members.
- SEC. 4: SPECIAL MEETINGS. Special meetings of the Board shall be called by any Trustee after contacting all trustees at least 24 hours prior thereto and obtaining approval therefore by two-thirds of the members thereof. The date, time and place shall be posted at the regular scheduled meeting place or business office 12 hours prior to such meeting. Business transacted at such meeting shall be limited to matters stated in the call therefore that cannot be postponed to the next regular meeting or resolved by the authority of any standing committee, and any action taken must be recorded and ratified at the next regularly scheduled meeting.
- SEC. 5: SPECIAL BYLAWS. The Board of Trustees shall have the authority to enact Special Bylaws, subject to repeal or modification by the members at any regular or special meeting, calculated and designed to carry into effect the jurisdiction over the lands owned by the corporation and its members, in accordance with Sections 12-16, Michigan Public Act 137, 1929, as amended.
- SEC. 6: REMOVAL. Any Officer or Trustee may be removed by the Board of Trustees whenever, in the judgment of two-thirds of the Board of Trustees, the best interests of the Association will be served thereby.

ARTICLE IV -- OFFICERS

- SEC. 1: PRESIDENT. The President shall preside at all meetings of the Association and Board of Trustees and perform such other duties as herein prescribed or directed. The President shall be bonded at Association expense.
- SEC. 2: VICE-PRESIDENT. The Vice-President shall perform duties of the President in his absence and such other duties as herein prescribed or directed. The Vice-President shall be bonded at Association expense.
- SEC. 3: SECRETARY. The Secretary, as Resident Agent of the Corporation, whose address shall be the business office thereof, shall keep a record of all transactions including:
- (1) Communications sent and received.
 - (2) Itemized account of revenues received and turned over to the Treasurer
 - (3) Record the proceedings of all meetings of the Association.
 - (4) Keep a register of its members.
 - (5) Perform such other duties as herein prescribed or directed.
- SEC. 4: TREASURER. The Treasurer shall have custody of all money and securities of the corporation and:
- (1) Co-sign all checks bearing the signature of the President or Vice-President.
 - (2) Keep the books ready for audit.
 - (3) Prepare a monthly report showing receipts, expenditures, and balance in all funds.
 - (4) Location and amount of deferred assents to be read at the next regular meeting of the Board and Incorporated into the minutes thereof.
 - (5) Perform such other duties as prescribed herein or directed.

Any disbursement over \$150.00 shall require approval of the Board of Trustees. This approval may be acquired by e-mail request and response, or otherwise, as a majority of the Board of Trustees agrees to. All funds and securities shall be deposited in a bank or loan association approved by the Board, in the name of the Association. Accounts of the Treasurer shall be audited annually for the fiscal year and at least 20 days prior to the date of the Annual meeting for a report thereto. The Treasurer shall be bonded at Association expense.

ARTICLE V--COMMITTEES

- SEC. 1: ADMINISTRATION. There shall be an Administration Committee composed of the President, Vice-President, Secretary, and Treasurer responsible for all matters pertaining thereto. The Committee's recommendations to the Board for approval may include the appointment of an administrative Secretary.
- SEC. 2 IMPROVEMENTS. There shall be an improvements Committee composed of three Trustees responsible for all matters pertaining thereto, including lakes, roads, buildings, and grounds. The Committee's recommendations to the Board for approval may include the appointment of an Improvements Director.
- SEC. 3: COMMUNITY RELATIONS. There shall be a Community Relations Committee composed of three Trustees responsible for all matters pertaining thereto, including health, welfare, safety, bylaws, auditing, nominating, communication and recreation. The Committee's recommendation to the Board for approval may include the appointment of a community Relations Director.
- SEC. 4: PROCEDURES. A Trustee must be the Chairman of any Standing Committee and responsible to the Board for the function thereof. Sub-Committees may be appointed by such chairmen with approval of the Board. A written report or minutes shall be required from all sub-committees, to be submitted to the Trustee by whom appointed.

ARTICLE VI -- FINANCE

- SEC. 1: AUTHORITY. The Corporation may assess annual dues and special assessments against its members, by a vote of a majority thereof, for the purpose of carrying into effect any of the powers herein contained and may prescribe the time and manner of payment and manner of collection. In case of delinquencies may provide that such dues and assessments shall become a lien upon the land of the delinquent Member and may provide the manner and method of enforcing such lien. (MPA 137, S19)
- SEC. 2: DUES AND ASSESSMENTS. Annual dues shall be assessed and collected as follows:
- (1) Improved Lot (Lot with a house). \$175.00 per year.
 - (2) Unimproved Lot. \$25.00 per year.
 - (3) Lot or property is defined as a Putnam Township Tax Identification Number. Multiple Tax Identification Numbers shall constitute multiple lots for the purpose of dues assessment.

(4) Late Fees and Interest: Dues for any given year are due and payable within 30 days of the date that dues notices are mailed. The due date will be included in the dues notice. Any Member whose dues or assessments have not been paid on or before the due date shall be penalized an additional 10% per year on all unpaid dues, assessments, penalties, liens and filing fees, and these shall become a lien upon the lot or property on which they are assessed.

(5) Collection of Assessments. Sums assessed against a Lot constitute a lien against that lot. In addition, each owner of a lot shall be personally liable for assessments which accrued during his or her ownership of the lot. The Association may enforce collection of delinquent assessments by a suit at law for a money judgment or by foreclosure of the lien that secures payment of assessments.

Foreclosure shall only be used in extreme cases, limited to those cases where delinquent assessments total five years or more, not necessarily concurrent years, of delinquent dues or assessments and no hardship has been claimed or proven. A deferment of dues or assessments, based on financial hardship, may be granted, on a year-by-year basis, by a majority vote of the Board of Trustees. However, any denial of deferment, based on financial hardship, must be approved by a minimum of six (6) Trustees (a super-majority of the Board). Any request for deferment based on financial hardship must be made in writing to the Board of Trustees and accompanied by proof of such hardship as requested by the Board. Any review of a request for deferment based on financial hardship may be held in closed session at the request of the person(s) requesting such deferment.

Each Lot Owner, and every other person who from time to time has any interest in the Lot, shall be deemed to have granted to the Association the unqualified right to elect to foreclose such lien either by judicial action or by advertisement. The provisions of Michigan law pertaining to foreclosure of mortgages by judicial action and by advertisement, as the same may be amended from time to time, are incorporated herein by reference for the purposes of establishing the alternative procedures to be followed in lien foreclosure actions and the rights and obligations of the parties to such actions.

Further, each Lot Owner and every other person who shall from time to time has any interest in the Lot, shall be deemed to have authorized and empowered the Association to sell or to cause to be sold the Lot with respect to which the assessment(s) is or are delinquent and to receive, hold and distribute the proceeds of such sale in accordance with the priorities established by applicable law.

Notwithstanding the preceding, neither a judicial foreclosure action, nor shall any notice of foreclosure by advertisement be published, until the expiration of ten days after mailing, by first

class mail, postage prepaid, addressed to the delinquent Lot Owner(s) at his or her last known address of a written notice that any assessment levied against the pertinent Lot is or are delinquent and that the Association may invoke any of its remedies hereunder if the default is not cured within ten days after the date of mailing.

Such written notice shall be accompanied by or contained in a written affidavit of an authorized representative of the Association that set forth;

- (i) The affiant's capacity to make the affidavit;
- (ii) The amount outstanding (exclusive of interest, costs, attorney fees and future assessments);
- (iii) The legal description of the subject Lot(s); and
- (iv) The name(s) of the Lot Owner(s) of record.

Such affidavit shall be recorded in the Office of the Register of Deeds of Livingston County prior to the commencement of any foreclosure proceeding, but it need not have been recorded as of the date of mailing as aforesaid. If the delinquency is not cured within the ten-day period, the Association may take such remedial action as may be available to it or under Michigan law.

The expenses incurred in collecting unpaid assessments, including interest, costs, actual reasonable attorneys' fees (not limited to statutory fees) and advances for taxes or other liens paid by the Association to protect its lien, shall be chargeable to the Lot Owner in default and shall be secured by the lien on his Lot.

A Lot Owner in default shall not be entitled to utilize any of the general common areas of the Association and shall not be entitled to vote at any meeting of the Association so long as such default continues; provided that nothing herein shall be construed to restrict access to any Lot.

SEC. 3: PROPERTY, ACQUISITION, DISPOSITION. This corporation may acquire by purchase, devise, or gift any, such real and personal property as it may desire for the purposes herein contained. The Trustees of this corporation, when thereunto authorized, by a majority vote of the members voting thereon at any annual meeting, or special meeting called expressly for that purpose, by a general bylaw, adopted and recorded, may sell, mortgage, give, grant, convey and lease said kinds or any part therefor, upon such terms and restrictions as may be deemed advisable.

SEC. 4: FISCAL YEAR. The fiscal year of the corporation shall commence on January 1, and continue through December 31 of the same year. An outline of all minutes of the Association meetings, Annual, Special, and Board, stating date, time, place, attendance, motions, itemized receipts and expenditures, shall be submitted in writing to all members for each

three month period of the fiscal year.

SEC. 5: REWARDS. In order to promote the well being of our community, the Association shall offer payment of a cash reward to any person or persons who offer information which directly leads to the arrest and conviction of any person or persons who commits a criminal act against the person or property of a Member of this Association. The Board of Trustees shall establish the cash amount of each reward, as deemed appropriate to the act, not to exceed the sum of \$1000.00.

ARTICLE VII -- AMENDMENTS

- SEC. 1: GENERAL BYLAWS. One or more Member(s) shall file with the Secretary proposed amendment(s) in writing. The Secretary shall submit same in original form to the Board of Trustees at their next regular meeting for consideration and recommendations as to legality, advisability and form. Such recommendations, together with original proposed amendment(s), shall be submitted in ballot form to the members by mail 20 days prior to the next Annual or Special Meeting. A majority of the members voting shall be required for adoption.
- SEC. 2. ARTICLES OF INCORPORATION. Amendments thereto shall be in accordance with Michigan Public Act 154, Sec. 43, 1970.

All previous General Bylaws are repealed upon adoption of the foregoing revision of the General Bylaws.

(Pages that follow are the excerpts from Michigan Public Act 137 of 1929 concerning Michigan Public Act 137 of 1929)

There are no changes to those pages.