



# *SUGARLAND ESTATES HOME OWNERS ASSOCIATION*

## BY-LAWS OF SUGARLAND ESTATES HOME OWNERS ASSOCIATION, INC.

### ARTICLE I - NAME AND LOCATION

The name of the organization shall be the Sugarland Estates Home Owners Association, Inc (the Association). Meetings of the members and board of directors may be held at such places as may be designated by the Board of Directors.

### ARTICLE II - DEFINITIONS

Section 1. "Board of Directors" shall mean and refer to those persons who, as a group, serve as the Board of Directors for the Sugarland Estates Homeowners Association and will be referred to as the "Board" throughout.

Section 2. "Covenants" shall refer to the "Declaration of Covenants, Conditions and Restrictions" recorded in the Office of the Director of Records for Cass County, Missouri as Document No. 1931, recorded on 1990-Mar-1, in book 1114, page 115 and as may from time to time be amended.

Section 3. "SEHOA" shall mean Sugarland Estates Homeowners Association

Section 4. "Damaged Conditions": shall mean to reduce the soundness, effectiveness, or perfection of, the occurrence of a change for the worse.

Section 5. Nuisances: anything that disturbs your neighbors or the reasonable use of their property, or endangers life, health and safety of neighboring property owners.

### ARTICLE III - MEMBERSHIP

Section 1. "Members" -- Every person or entity that is a record owner of a lot which is subject to the covenants of record, including contract sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities that hold an interest merely as security for the performance of an obligation. No owner shall have more than one membership. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to the covenants of record. Ownership of such lot shall be the sole qualification for membership.

Section 2. "Suspension of Membership" -- In accordance with Policy 1 of these By-Laws, during any period in which a member shall be delinquent in the payment of any annual or special assessment levied by the Association, or any other amount due to the Association, the voting and other rights of the member to use of the Association facilities may be suspended by the Board of Directors until such assessment or amount due has been paid.

### ARTICLE IV - MEETINGS

Section 1. "Membership Meetings" -- The Association will hold three general membership meetings a year. They will be held the first Thursday of October, March and June.



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Section 2. "Special Meetings" -- Special meetings may be called by the president when he/she deems it in the best interest of the Association. Notices of such meetings shall be mailed to all members at their addresses as they appear in the membership roll book at least ten (10) days before the scheduled date set for such special meeting. Such notice shall state the reason that such meeting has been called, the business to be transacted at such meeting and by whom it was called. At the request of 75 percent of the Board or 10 percent of the members of the Association, the president shall cause a special meeting to be called. Such request must be made in writing to allow notice of such meeting to be sent at least ten (10) days before the requested scheduled date.

No other business but that specified in the notice may be transacted at such special meeting without the unanimous consent of all present at such meeting.

Section 3. "Notice of Meetings" -- Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice to each member entitled to vote. Such notice shall specify the place, day and hour of the meeting and in the case of a special meeting, the purpose of the meeting.

Section 4. "Quorum" -- Except as may be otherwise required by Article VII, Section 5 of the Covenants, or the Nonprofit Corporation Law for the State of Missouri, at a general membership meeting, 2/3 of the members attending in person or by proxy shall constitute a quorum. At a special meeting, unless restricted by Article VII, Section 5 of the Covenants, 2/3 of the members attending in person or by proxy shall constitute a quorum.

Section 5. "Proxies" -- All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his lot.

### **ARTICLE V - VOTING**

Section 1. At a general membership meeting, voting shall be by voice or proxy.

Section 2. At a special meeting voting shall be by voice or by proxy unless restricted by Article VII, Section 5 of the Covenants.

### **ARTICLE VI - ORDER OF BUSINESS**

1. Attendance
2. Reading of the Minutes of the preceding meeting (unless previously available in print).
3. Reports of Officers
4. Reports of Committees
5. Old Business
6. Elections (if necessary)
7. New Business
8. Members Comment
9. Adjourn



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### **ARTICLE VII - OFFICERS AND THEIR DUTIES**

Section 1. "Enumeration of Officers" -- The officers of the Association shall be a president, a vice president, a secretary and a treasurer.

Section 2. "Election of Officers" -- The election of officers shall take place at the first meeting in October.

Section 3. "Term" -- The officers of the Association shall hold office for two (2) years unless he/she shall sooner resign, be removed, or otherwise become disqualified to serve. Officers may serve consecutive terms. Elections for the president and secretary will be held in the even years. Elections for the vice president and treasurer will be held in the odd years.

Section 4. "Duties" -- The duties of the officers are as follows:

1. President -- The president shall preside at all meetings; shall see that orders and resolutions are carried out; shall sign all leases, mortgages, deeds and other written instruction and is authorized to sign checks.
2. Vice President -- The vice president oversees all committee chairpersons. If the president is not present at a membership meeting, the vice president shall preside. The vice president is authorized to sign checks.
3. Secretary -- The secretary shall record the votes and keep the minutes of all meetings; serve notice of membership meetings and special meetings; is authorized to sign checks; together with the treasurer keep appropriate current records showing the members of the Association together with their addresses and shall perform such other duties as required by the executive board.
4. Treasurer -- The treasurer shall oversee the deposit of all monies of the Association, and shall disburse such funds as directed by resolution of the Board of Directors; shall keep proper books of account; shall cause an annual audit of the Association books to be made by a public accountant at the completion of each Fiscal year if requested at one of the three general membership meetings or at a special meeting per Article IV, Section 2, will provide a Treasurer's Report for each membership meeting and is authorized to sign checks.

### **ARTICLE VIII - BOARD OF DIRECTORS**

Section 1. "Selection" -- The affairs of the Association shall be managed by the Board of Directors consisting of at least four (4) members.

Section 2. "Method of Nomination" -- Nomination for election to the Board shall be made by a Nominating Committee. Nominations may also be made from the floor at the October membership meeting.

Section 3. "Election" -- Election to the Board shall be for a two (2) year term and shall be by secret written ballot. At such election, the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Covenants. The person receiving the largest number of votes shall be elected.

Section 4. "Removal" -- Any director may be removed from the Board, with or without cause, by a majority vote of the members of the Association, or a majority vote of the Board. Any officer may resign at any time by giving written notice to the Board. Such resignation shall



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take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 5. "Vacancies" -- A vacancy in any office may be filled by appointment of the Board. The officer appointed to such vacancy shall serve for the remainder of the term the officer replaces.

Section 6. "Powers" -- The Board shall have the power to:

1. Adopt and publish rules and regulations governing the use of the common area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for each infraction thereof.
2. Suspend the voting rights and right to use of the recreational facilities of a member during any period in which such members shall be in default in the payment of any assessment levied by the Association.
3. Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, or the Declaration of Covenants, Conditions and Restrictions.
4. Employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

Section 7. "Duties" -- It shall be the duty of the Board to:

1. Cause to be kept a complete record of all its acts and corporate affairs, and to present a statement thereof to the members at their meetings, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of all homeowners.
2. Supervise all officers, agents and employees of the Association, and to see that their duties are properly performed.
3. As more fully provided in the Declaration and Policy #1, to (1) fix the amount of the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period; (2) send written notice of each assessment to every owner and (3) in the event of non-payment proceed with the guidelines established in Policy #1.
4. Procure and maintain adequate liability and hazard insurance on property owned by the Association.
5. Cause the common areas to be maintained.

Section 8. "Meetings" -- The Board shall meet at the discretion of the president and/or ¾ of the Board.

Section 9. "Action Taken without a Meeting" -- The Board shall have the right to take any action in the absence of a meeting which they could take at a meeting, by obtaining unanimous approval of the Board. Any action so approved shall have the same effect as though taken at a meeting of the directors.

Section 10. "Special Appointments" -- The Board of may appoint such other committee chairpersons as the affairs of the Association may require, each of whom shall hold office for



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such period, have such authority, and perform such duties as the Board may from time to time determine.

### **ARTICLE IX - COMMITTEES AND THEIR DUTIES**

Section 1. "Committees" -- All committees of the Association shall be appointed by the Board of Directors. They will retain their position until they resign, are terminated by the action of the Board or the position is abolished by the Board.

Section 2. "Duties" -- The duties of the committee chairpersons are as follows:

1. "Special Events Committee" -- The committee shall be responsible for the planning, preparation and oversight of Sugarland neighborhood events. They shall be responsible for the organization and delegation of volunteers to help with these events. They shall schedule, organize and advertise for the annual Neighborhood Garage Sale; shall organize and advertise for the annual Christmas Lighting contest. It shall be the duty of the events coordinator to organize, plan and oversee other calendar events that may include, but are not limited to the following: Fall Family Day and July 4th in the Park. They shall assume responsibility for the production of an informative handout and or advertising as deemed necessary by the Board for these events.
2. "Newsletter Editor and Assistant" -- They shall produce a minimum of 3 newsletters yearly. Information for publication shall be gathered from the Board and committee members. After preparation of the newsletter is completed, it shall be given to the president for final approval. Upon approval the newsletter is taken by the editor for the printing process. It is then folded by the editor and then given to the assistant to affix mailing labels prepared by the treasurer. For step-by-step preparation guidelines, refer to editor's notebook.
3. "Shelter House Committee" -- The committee shall schedule use of all park/shelter house facilities. The park/shelter house usage is restricted to members in good standing only. The committee shall check with the treasurer to verify no outstanding account balances, followed by verifying/coordinating with special events committee on availability of park/shelter houses. The person/persons reserving the area will sign a responsibility/liability form which will be kept on file with the shelter house committee. It shall be the duty of the committee to hold keys to the water pumps and unlock them when needed, store and provide game equipment to reserve, coordinate mowing/grounds needs for reserved area, and inform the board of directors of scheduled events. The requesting party is responsible for cleanup after their event.
4. "Architectural Review Board" -- The architectural review board will consist of three or more persons. They will govern compliance with Restrictions and Covenants filed of record and the By-Laws and Policies relating to the use of land or improvements within the properties. One ARB member is requested to come to all board and Home Owner Association meetings. It will be up to the ARB committee to decide who is going to attend. Members of the ARB will communicate any approvals for work done in the development to the board through e-mail within 48 hours of approval.



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5. "Nominating Committee" -- The nominating committee shall consist of a chairman, who shall be a member of the Board and two members of the Association. The Nominating Committee shall make as many nominations for election to the Board as shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations must be made from among the membership.
6. "Ponds Committee" -- The ponds committee shall be responsible for the oversight of Sugarland ponds. This includes but is not limited to clean up, vegetation growth, chemical applications, and any other pond improvement and its planning. They shall schedule and organize a yearly pond improvement day. They shall arrange for stocking ponds with fish. The Pond Committee shall keep the Board informed of their plans.
7. "Grounds Committee" -- The grounds committee shall be responsible for soliciting contracts for mowing, tree trimming and tree removal from the common areas and oversee all work done. They shall oversee maintenance of the walking trails, shelter house and common areas. They will communicate with residents about planned improvements in the common areas. The grounds committee shall keep the Board informed of their plans.
8. "Welcoming Committee" -- The welcoming committee will keep an updated list of all homes currently for sale in Sugarland Estates. This will allow the committee to welcome new neighbors in a timely fashion. They will personally greet all new home owners and provide them with a copy of the Home Owner's Manual, along with a small gift upon moving into their new home. They will also update and edit the Home Owner's Manual as needed.

#### **ARTICLE X - POLICIES AND REGULATIONS**

Section 1. "Enforcement" -- The Board may from time to time create and promulgate policies and regulations as hereafter provided to govern the use of the common area and facilities, the conduct of members and their guests, and compliance with the Declarations filed of record relating to the use of land or improvements within the properties, the control of architecture within the properties, or other measures necessary to insure the health, safety and welfare of the residents. The rules and regulations shall be effective ten (10) days after notice of enactment is mailed to members.

Section 2. "Sanctions" -- Members violating duly promulgated policies and regulations shall be subject to sanctions in accordance with the terms and provisions of such policies and regulations. Such sanctions may include, but are not limited to, suspension of membership, the right to use or enjoy the common area, and the assessment of fines per SEHOA Policies.

Section 3. "Right of Appeal" -- Members shall have the "Right to Appeal" following the notice of any infraction or fine. Such appeal must be made in writing and will be heard by the Board at its next meeting. If no hearing is requested, within the time stated in the applicable SEHOA policy, or after the preliminary decision by the Board, said decision shall become final.





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## **ARTICLE XI - ASSESSMENTS & DUES**

See Policy #1 and Policy #2.

## **ARTICLE XII - SALARIES**

The Board shall hire and fix the compensation of any and all employees which they in their discretion may determine to be necessary for conducting the business of the association.

## **ARTICLE XIII - INDEMNIFICATION**

Every officer shall be indemnified by the Association against all reasonable costs, expenses and liabilities (including counsel fees) actually and necessarily incurred or imposed upon him in connection with any claim, action, suit, proceeding, investigation or inquiry of whatever nature in which he may be involved, as a party or otherwise, by reason of having been an officer of the Association, whether or not he continues to be such an officer at the time of the incurrence or imposition of such costs, expenses or liabilities, except in relation to matters in which he shall finally be adjudged in such action, suit, proceeding, investigation or inquiry to be liable for willful misconduct or negligence toward the Association in the performance of his duties, or in absence of adjudication, such liability by opinion of legal counsel selected by the Association. The foregoing right of indemnification shall be in addition to and not in limitation of all rights to which such persons may be entitled as a matter of law, and shall be inured to the benefit of the legal representatives of each person.

## **ARTICLE XIV - EXPENDITURES & BIDS**

Any expenditure over \$1500 will require at least 2 bids. Anything under will not require bids.

The board may approve expenditures up to \$5000. Two board members must sign all checks. Expenses over \$1500 require all four board members signatures on the expense voucher/bill. Anything over \$7500 will be brought before a general meeting of the Sugarland Estates Home Owners Association for a vote with the proposed expenditure listed in the newsletter.

## **ARTICLE XV - AMENDMENTS**

These by-laws may be altered, amended, repealed or added to by an affirmative vote of not less than 3/4 of the Board or by calling a Special Meeting per Article IV, Section 2. In case of any conflict between the Articles of Incorporation and these By-Laws, the Articles of Incorporation shall control; and in the case of any conflict between the Declarations and these By-Laws, the Declarations shall control.

## **ARTICLE XVI - POLICIES**

A policy provides a more detailed description of a by-law. A policy may be altered, amended, repealed or added to by an affirmative vote of not less than 3/4 of the Board or by calling a Special Meeting per Article IV, Section 2. In case of any conflict between the Articles of Incorporation and these By-Laws, the Articles of Incorporation shall control; and in the case of any conflict between the Covenants and these By-Laws, the Covenants shall control.



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### ARTICLE XVII - BOOKS AND RECORDS

The books, records and papers of the Association shall be subject to inspection by any member. The Covenants, the Articles of Incorporation, and the By-Laws of the Association shall be available for inspection by any member upon written request of the Board.





**SUGARLAND ESTATES  
HOME OWNERS ASSOCIATION**

IN WITNESS WHEREOF, we the Board of Directors of the Sugarland Estates Home Owner's Association, Inc., have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

SUGARLAND ESTATES HOME OWNERS ASSOCIATION, INC.

\_\_\_\_\_  
Steve Wilson, President

\_\_\_\_\_  
Chris Hiesterberg, Vice President

\_\_\_\_\_  
Melanie Sanders, Secretary

\_\_\_\_\_  
Kristy Livingston, Treasurer

STATE OF MISSOURI)

COUNTY OF

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On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me, the undersigned Notary Public, personally appeared Steve Wilson, Melanie Sanders, and Tina Myers, to me known as the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in \_\_\_\_\_ Missouri, the day and year last above written.

\_\_\_\_\_  
Notary Public

**CERTIFICATION**

I, the undersigned, do hereby certify that I am the duly elected and acting secretary of the Sugarland Estates Home Owners Association, Inc., a Missouri not-for-profit corporation; and that the foregoing By-Laws constitute the original By-Laws of said Association, as duly adopted at a meeting of the Board of Directors thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

IN WITNESS WHEREOF, I have hereunto subscribed my name this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Secretary