

BY-LAWS OF THE GENEVA BAY ESTATES PROPERTY OWNERS
ASSOCIATION, INC
LAKE GENEVA, WISCONSIN
JUNE 21, 1959

AMENDED MAY 4, 1993
AMENDED MAY 3, 1998
AMENDED MAY 2, 1999
AMENDED MAY 6, 2001
AMENDED MAY 19, 2002
AMENDED OCTOBER 26, 2008
AMENDED MAY 5, 2012
AMENDED FEBRUARY 3, 2016

ARTICLE I

Organization

Section 1. The name of the corporation shall be GENEVA BAY ESTATES PROPERTY OWNERS ASSOCIATION, INC (Geneva Bay Estates or the Association).

Section 2. The Board of Directors shall manage and supervise all the affairs, property and effects of the Association and shall have the power to suspend or remove from office any one of the Board of Directors for the violation of any of the by-laws or rules of the Association; to expel or suspend for cause any member of the Association in the manner provided for in the by-laws; to make, alter and maintain rules for the management and use of the property and effects of the Association, to fix and remit penalties for infraction of the by-laws or rules; to employ and authorize the employment of all employees of the Association and to fix their compensation. The Board of Directors shall have the discretionary power to exercise all of the authority conferred upon it by the articles of incorporation and laws of the State of Wisconsin as made and provided.

Section 3. The location of the principal office of the Association shall be in the City of Geneva, Walworth County, Wisconsin.

Section 4. Its corporate seal shall be a circular disk, with the following words inscribed thereon: GENEVA BAY ESTATES, and the word: WISCONSIN, and such other legend that may be required by law.

Section 5. These by-laws may be altered, amended or repealed and new by-laws may be adopted by a majority vote of all homeowners in the association. Since there are 38 voting blocks, a change to the by-laws would require 20 votes to pass. The vote may be conducted at any annual or special meeting of the members.

ARTICLE II

Section 1. This Association shall have no capital stock, nor shall any interest, dividends or pecuniary profits whatsoever be declared, paid or divided among its members.

ARTICLE III

Directors

Section 1. The property, business and affairs of the Association shall be managed and controlled by a Board of Directors.

Section 2. The Board of Directors shall consist of five (5) members.

Section 3. Each Director shall be a member of the Association. Each Director shall hold office for a term of two (2) years. In the even numbered years, two (2) Directors shall be elected, and in the odd numbered years, three (3) Directors shall be elected. At the elections held in the year 1959, two (2) Directors shall be elected for a two year term. After 1959, the term shall be as first stated.

Section 4. The Directors shall be elected each year at the annual meeting of the members by a majority vote of members present in person or by proxy.

Section 5. The newly elected Board of Directors shall hold an organization meeting immediately after the annual meeting of the Association. At this meeting, the Board shall elect each of the executive officers of the Association as named in Article VI of these by-laws. The officers so elected shall hold their respective offices until a new Board of Directors is elected at the annual meeting of the Association, or until their successors are elected and qualified.

Section 6. If the office of any Director shall become vacant by reason of the termination of membership in the Association, or by reason of death, resignation,

removal, or inability to act, then the remaining Directors of the Board may elect a successor who, when elected, shall hold office for the un-expired term of the retired Director.

Section 7. A meeting of the Board of Directors may be called at any time by the President or any two (2) members of the Board; notice of the time and place of the holding of any meetings of the Board shall be by mail or email, as elected by the board members. Notice must be given five (5) days or more before the date of the meeting. This notice may be waived.

Section 8. Any meeting, regular or special, of the Board may be held in any place within or without the State of Wisconsin. Three (3) member of the Board shall constitute a quorum.

Section 9. The Board of Directors shall have the right, power, and authority to exercise all such powers as may be exercised or done by the Association, subject to the laws of the State of Wisconsin, to the provisions of its Articles of Organization, and these by-laws.

Section 10. The order of business to be followed at the meetings of the Association and at the meetings of the Board of Directors shall be as follows:

1. Roll Call
2. Reading of the minutes of the preceding meeting and action thereon
3. Treasurer's Report
4. Reports of the Committees
5. Unfinished Business
6. Reading of communications and miscellaneous business
7. New Business

ARTICLE IV

Maintenance Assessments

Section 1. The Board of Directors shall annually prepare and submit to the membership of the Association at the annual meeting, a budget of the expenditures which it proposes to make for the ensuing year, for the purpose of maintaining, improving, policing, or preserving properties in which the property owners in Geneva

Bay Estates have common rights of usage and enjoyment, and for the purpose of maintaining the necessary organization of the Association.

Section 2. Upon adoption and approval of the annual budget by a majority of the membership of the Association represented at the annual meeting or adjournment thereof, the Board of Directors shall be empowered to levy an assessment to be known as the Maintenance Assessment against all of the lots in Geneva Bay Estates, the ownership of which entitles the owners thereof to the use and enjoyment of the properties controlled by the Association, to declare the assessment so levied due and payable, to notify the lot owners thereof and to collect same.

Section 3. The procedure herein above provided for in Sections 1 and 2 of Article IV, shall be in all respects followed and be governed by Section 289.70 of the Revised Statutes of Wisconsin.

ARTICLE V

Membership

Section 1. Any person purchasing or acquiring title to one or more lots in the Geneva Bay Estates in the City of Lake Geneva, or the Town of Geneva, whether by deed, descent, operation of law or by contract of purchase, shall, *ipso facto*, become a member of the Association. The Real Estate Outlot which was created out of Geneva Bay Estates Lot 25 and which was conveyed by a Geneva Bay Estates member to the Neuman family, is no longer within Geneva Bay Estates. It carries no membership rights, voting rights, or pier or park use rights. There is no assessment or financial obligation to the Association.

Section 2. Any member conveying or disposing of his property in Geneva Bay Estates in Lake Geneva, Wisconsin, either by operation of law or by the recording of a deed of conveyance, shall *ipso facto* cease to be a member of the Association.

Section 3. The annual meetings of the membership of the Association shall be held on the first Sunday in May. The board may also schedule a meeting for any Sunday in the fall of the year. Such meetings are to be held at the hour and place determined by the Board of Directors.

The number of ten (10) members, represented in person or by proxy, shall constitute a quorum at any regular or special meeting of the membership of the Association. If no quorum be present at the annual meeting, the presiding officer shall adjourn the meeting to another day and shall instruct the Secretary to send notice by mail to the

members in the manner provided in Section 5 of this Article. The said notice shall instruct the members of the failure to secure a quorum and call for their attendance at the adjourned meeting. Failing to secure a quorum at the adjourned meeting, the meeting so called shall be adjourned until the next annual meeting of the membership and the budget of the preceding year may then be adopted by the Board of Directors for the ensuing year.

Section 4. Special meetings of the members of the Association may be called at any time by the Board of Directors and shall be called upon written request of ten (10) property owners of the Association when said request is submitted to any officer or Director.

Section 5. Notice of the time and place of all meetings shall be given each member of the Association. Notice will be given by U.S. mail or email, at the option of the member at least ten (10) days prior to the date of the meeting.

Section 6. Members may be represented at all meetings by written proxy. All proxies must be filed with the Secretary-Treasurer of the Association before the meeting of the members of the Association is called to order. Proxies must be signed by the property owner and shall designate thereon who shall be entitled to vote the same. Proxies shall be good for a term of not more than six (6) months from the date thereof and can be retracted upon written request of the signer of the proxy at any time prior to a vote thereon.

Section 7. Every member of the Association shall be entitled to one vote per lot at the meetings of the members. Husbands and wives and co-tenants of the property owned in the subdivision shall be entitled to one vote between them; provided, however, that no member shall be entitled to vote at any meeting if he/she shall be in arrears in payment of any dues or assessments levied by the Association against his/her lot or lots.

Section 8. Any Director or Officer of the Association who shall be made a part to any action, suit or proceeding, by reason of the fact that he/she is or was a Director, Officer or employee of the Association, shall be indemnified by the Association against the reasonable expenses, including attorney's fees actually and necessarily incurred by him/her in connection with such action, suit or proceedings, or in connection with any appeal therein, except in relation to matters as to which it shall be adjudged in such action, suit or proceedings that such Officer, Director or employee is liable for negligence or misconduct in the performance of his duties.

ARTICLE VI

Committees and their Appointments and Duties

Section 1. The president shall appoint, each year, from the membership of the Association, the following standing Committees:

Grounds Committee
Finance Committee
Special Committee

Each committee shall consist of three (3) to five (5) members each; the Committees so named shall be in charge of and be empowered to make rules pertaining to the operation of the respective departments subject to the approval of the Board or Directors and providing the rules do not conflict with present by-laws and rules or amendments thereto.

ARTICLE VII

Policing Regulation Covering Association Property

Section 1. Domestic Animals. No dogs shall be allowed in the Association parks, on the Association pier, or in the lake from the Association property on weekends and holidays. Dogs must be on a leash at all times everywhere within the Association in accordance with local ordinances. Owners are responsible for picking up after their dogs. Repeat violations will be reported to the appropriate local law enforcement agency.

Section 2. Complaints. All complaints must be written and signed by the complainant. These complaints must be filed with the Secretary before the same will be considered by the Board of Directors.

Section 3. Piers and Park. The pier and community park are for the exclusive use of the members of the Association and their guests. The Geneva Bay Estates Board of Directors will administer the Geneva Bay Estates boat pier policies and procedures as follows:

a) **Assignment of slips and ramps.**

- (1) A statement will be mailed or emailed to the space user of the previous season on or about December 1 of each year. The user's acceptance for use of the slip or ramp for the upcoming season will be acknowledged by user's payment of the fee prior to the 15th of the next month.
- (2) Payment of space fees by the previous space user must be received by the due date or the space will be assigned to the member at the top of the waiting list. Space users will be assigned the space they used the previous year.
- (3) Once all slips have been assigned to eligible holders of slips from the previous year, remaining slips will be assigned to members on the waiting list, beginning with the member on the waiting list the longest period of time.
- (4) Two waiting lists shall be in effect: one for the slips and one for the ramps.
- (5) Members will have priority over vacant lot applicants. Vacant lot applicants for space, if successful in being assigned a space, can lose that space the next year if a member applies.
- (6) No one may be assigned more than one slip or ramp unless slips and ramps are available as not being assigned for the year. An assignment made in this manner is not permanent. The member acquiring a slip or ramp in this manner must relinquish same the following year if a member who has no slip or ramp timely applies for a permanent slip or ramp. The slip/ramp waiting list will be maintained by the Secretary/Treasurer of the organization.
- (7) To be place on the waiting list, the member must make a request in writing to the Board of Directors.
- (8) All watercraft must be docked in assigned spaces. No watercraft may be docked or tied on shore.
- (9) All watercraft housed in a slip must be maintained in a shore station within the assigned space.
- (10) In the event a slip becomes available, each existing slip holder is eligible to transfer from his or her existing slip to the vacated slip. The Board will maintain a "transfer list" and slip holders are to be placed on such list by request, in writing, directed to the Board of Directors. The right of transfer will be assigned to the slip holder on the said transfer list the longest period of time.

b) Eligibility.

An applicant for a space must meet the following qualifications:

- (1) Must be a member in good standing of the Geneva Bay Estates Association
- (2) A residence owned by more than one person or family will be eligible to apply for only one space.
- (3) All applicants, except previous year users, will be placed at the bottom of the waiting list in the order received by the Secretary/Treasurer of the Board of Directors of the Association.

c) Payment of fees.

Previous space users must pay all fees on or before January 15 or due date or the space will be assigned to the top name on the waiting list.

d) Eligible watercraft.

A watercraft assigned to a space must meet the following conditions:

- (1) The boat must fit the pier space and be in safe running condition. Any watercraft, due to conditions, size, age or any other condition, which may prove a hazard to the pier, may be denied a space.
- (2) The watercraft must be owned and registered to the member applicant or a full time member of his household. Proof of registration and liability insurance will be required annually with payment of space fees by January 15.
- (3) Watercraft used for commercial purposes is prohibited on the pier or ramp.

e) Modifications to slips and ramps.

No modifications or alterations to the pier can be made for the space without written consent of the Board of Directors. Materials must be designed for the purpose used, i.e., no tires, carpeting, etc. may be used. Canopies and shore station cover must be blue.

f) Transfer and termination.

- (1) No space may be transferred unless approved by the Board of Directors.
- (2) Upon the sale of a property whose owner held an assigned space, that space will be terminated. The new property owner must apply as a new applicant.
- (3) The purchaser of an Association property may apply for a space only upon closing of the real estate transaction.

- (4) If title to an existing eligible property is transferred within the immediate family, the assigned space will be transferred and use of the same uninterrupted.
- (5) A member who is on a waiting list becomes eligible and refuses the space assignment will be moved to the next eligible spot on the waiting list.

g) Boating season.

- (1) The boating season shall end on October 15. All watercraft must be removed on or before that time.
- (2) All watercraft must be in their assigned space on or before July 1st of each year unless the Board of Directors has granted permission; otherwise the space will be reassigned to the top name on the waiting list. 50% of the fee, less a 15% service fee, will be refunded. Anyone gaining an assignment in the above manner will be billed at 50 of the yearly fee. Such fee will be payable immediately. If not paid immediately, the space will be reassigned to the top name on the waiting list.
- (3) It is not necessary to own a watercraft to apply for a space, however, if a space is assigned, it must be paid for on or before January 15 and the space must be used by July 1st or 30 days after assignment.

h) Violations of policy.

The Board of Directors has the authority to terminate an assignment of any space upon violation of any pier policy and/or procedures.

i) Complaints.

Any member with a complaint against any action of the Board of Directors has the option to appeal such action in writing to the Board of Directors.

Section 4. Boat Ramps. All construction of piers and ramps and boating facilities on community park property shall be in exclusive control of the Board of Directors.

Section 5. Weeds. All property shall be kept in a neat appearance and weeds shall at all times be controlled. The Association is authorized to perform this function for any property owner delinquent in carrying out this obligation. The expenses so incurred can be charged back to the property owners.

Section 6. Speed Limits. Local speed limit laws apply to all Association roads. Association members are asked to drive cautiously. All motorized carts shall be parked in designated paved parking areas.

Section 7. Picnics. Members may use the park for picnics. However, any picnic with more than 15 attendees must obtain approval from a majority of the board members. No glass containers are allowed on the raft or pier. Grills and campfires are not allowed. Members who have picnics in the park must also clean up afterwards and remove all trash from the park to their own garbage can.

Section 8. Camping. Camping will not be allowed in the park area.

Section 9. Trailers. Storage of commercial vehicles, trailers, to include boats and boat trailers and motor homes shall be prohibited anywhere within the Association boundaries.

Section 10. Guests. The Association parks, beach area and pier are for the use of property owners and their out-of-town guests. These facilities are very limited and for a member to bring more than a few guests to the beach area at one time infringes upon the rights of all other members. Obviously, our beach area cannot accommodate large groups of adults or children conveniently or safely. The cooperation of all members is necessary otherwise the by-laws will have to be amended to protect all members.

Section 11. Restrictions. It shall be unlawful and illegal for any member to commercialize his property in any manner. For purpose of this restriction, commercialization shall include, but not be limited to, use of property for wholesale or retail sales, use of property as an office for manufacturing, permitting property to be occupied by persons not related to the member such that compensation is exchanged on a per day, per week, per month, or other basis, or to enter into an agreement, oral or written, by which such persons are granted use and benefit of any private drive, park, playground, pier or other privilege of Geneva Bay Estates membership.