

**CHURCHILL ESTATES HOMEOWNERS ASSOCIATION, INC.**

**BY-LAWS**

**ARTICLE I: NAME**

This and the following articles shall constitute the By-Laws of the non-profit corporation for a perpetual term to be known as the CHURCHILL ESTATES HOMEOWNERS ASSOCIATION, INC. , of Farmington Hills, Oakland County, Michigan, hereinafter: Association, having a fiscal year beginning January 1 and ending December 31.

**ARTICLE II: PURPOSE**

The purpose of the Association shall be to foster, protect and promote the orderly maintenance, improvement and development of Churchill Estates Subdivision in accordance with the local ordinances and in pursuit of planning concepts designed to bring the greatest benefit to its members.

Enforcement of these By-Laws and the Rules and Regulations attached shall be pursued by the Association Officers using all efforts and means at their disposal including but not limited to the full extent of legal remedies such as injunctions, lawsuits, and application to Code Enforcement Officers of the City of Farmington Hills.

**ARTICLE III: MEMBERSHIP**

Membership in the Association shall consist of all persons owning property in Churchill Estates Subdivision. Each lot owner shall be entitled to a total of one vote per household, either in person or by written proxy. This Article is drafted pursuant to the Building and Use Restrictions executed by Atlee Development Company, (the original developers of this subdivision), and representatives of Oakland County and recorded in Liber 5050, Page 860, Oakland County Records.

## **ARTICLE IV: DUES**

A. The Annual Homeowners Association assessment, hereinafter: Dues, shall be determined by a majority vote of a quorum at the Annual Meeting of the Association.

B. The Dues shall be paid in full by each property owner of record within thirty (30) days following receipt of the Notification of the Dues Notice.

C. Thirty (30) days following the first Notification of Dues, a second notice shall be mailed to delinquent homeowners.

D. Fourteen (14) days following the second notice, a third and final notice shall be mailed to those who have not paid. The final notice shall include notification that failure to pay the dues in full within seven (7) days will result in suit being filed.

E. Court costs, service fees, Judgement interest and the cost of recording and discharging a lien, shall also be assessed against the homeowner if the delinquent dues are not paid in full before the Complaint is filed.

## **ARTICLE V: ASSOCIATION OFFICERS**

The Association Officers shall consist of four (4) homeowners and shall be elected annually by a majority vote of the quorum at the Annual Meeting of the Association. The title of these officers shall be:

President

Secretary

Vice-President

Treasurer

## **ARTICLE VI: DUTIES OF OFFICERS**

**PRESIDENT:**

A. Shall preside at all meetings of the Association.

B. Shall appoint all committees (standing and/or special) and shall be an ex-officio member of such committees.

C. Shall call meetings of the Association at such times as he/she shall deem necessary.

D. Shall call special meetings of the Association at the request of not less than ten (10%) percent of the Association members.

**VICE-PRESIDENT:**

A. Shall discharge the duties of the President in the absence of the President or in the event of the President's inability to act.

**SECRETARY:**

A. Shall be responsible for recording and maintaining minutes of all meetings.

B. Shall be responsible for disseminating all information to the Association Members.

C. Shall be responsible for all correspondence to and from the Association.

**TREASURER:**

A. Shall be responsible for preparing and arranging for the distribution of the annual Dues Assessments to the Association members.

B. Shall be responsible for collecting and maintaining accurate records of all accounts receivable and payable of the Association.

C. Shall be responsible for maintaining and reconciling the Association's monthly bank statements of deposits and expenditures.

D. Shall be responsible for preparing the Annual Financial Report covering the fiscal year from January 1 through December 31, for presentation at the Annual Meeting. Copies of the approved Annual Financial Report shall be available for distribution to Association Members following the Annual Meeting.

E. Shall be responsible for preparing the annual budget and such periodic financial reports as may be requested by the President.

F. The treasurer shall be bonded.

## **ARTICLE VII: EXPENDITURES**

All checks issued in payment of Association's expenses shall be signed by the Treasurer and one other officer.

## **ARTICLE VIII: MEETINGS**

A. The Annual meeting of the Association shall be held during the first quarter of each calendar year within the state of Michigan and the city of Farmington Hills, at a time the Officers shall determine.

B. Notices of meetings shall be delivered to all property owners of the Association at least fourteen (14) days prior to the date of the meeting.

C. At any meeting of the Association, a quorum required for the transaction of Association business may be declared by those present.

D. A simple majority vote of the homeowners present in person shall determine a quorum at all meetings.

E. All officers shall have equal voting rights.

F. All meetings of the Association shall be conducted in accordance with the latest revised edition of *Robert's Rules of Order*

G. The following order of business shall be observed in setting the agenda for meetings:

1. Call to order
2. Read minutes of the last regular or special meeting.
3. Officers and Committee Reports
4. Financial Report from Treasurer
5. Comments from property owners in attendance
6. Elections at Annual Meeting
7. Ongoing Projects

8. New Business

9. Announcements

10. Adjournment

#### **ARTICLE IX: AMENDMENTS**

A. The By-Laws of the Association may be amended or repealed at any meeting of the Association..

B. Any proposed amendment(s) to the By-Laws of the Association must be previously presented, in writing, to the Association Officers. A two (2) week notice is required, to accommodate scheduling of a meeting. A written notice and schedule of the meeting at which the proposed action will be deliberated, shall then be delivered to all property owners of the Association.

C. The proposed amendment(s) shall be read and acted on at the first meeting of the Association following delivery of the written notice to all property owners.

D. A two-thirds (2/3) majority of the votes cast, either in person or by written proxy shall be required for adoption/repeal of the amendments.

## **HOMEOWNERS DUES**

Homeowners dues are assessed and payable annually to the CHURCHILL ESTATES HOMEOWNERS ASSOCIATION. Collection of unpaid dues is enforceable through litigation at 47th District Court, Farmington, Michigan, and filing a lien against the property at the Oakland County Register of Deeds.

The Annual Homeowners Association Meeting is held during the first quarter of each calendar year. The Homeowners Dues for the current year are determined at that meeting. Notification of the Dues Assessment is then mailed to each and every property owner in Churchill Estates Subdivision.

Thirty (30) days following the first Notification of Dues, a second notice is mailed to the delinquent homeowner.

Fourteen (14) days following the second notice, a third and final notice is mailed to those who have not paid.

The final notice includes notification that failure to pay the dues in full within seven (7) days will result in suit being filed in the 47th District Court. If the delinquent dues are not paid in full before the Complaint is filed, the court costs, services fees, and document preparation fees are also assessed against the delinquent homeowners property. Along with recording a lien, Post-Judgement remedies include Garnishment, Asset Discovery Hearings and/or execution against the delinquent homeowner's property.

Any homeowner who experiences undue hardship in meeting the annual Homeowners Dues Assessment, may notify any Churchill Estates Homeowners Association Board Member and request an extension.

**CHURCHILL ESTATES HOMEOWNERS ASSOCIATION, INC.**

**RULES AND REGULATIONS**

1. In addition to the following specific Rules and Regulations, any and all provisions of any local zoning ordinances or other ordinances, or regulations or public health laws, shall apply to the use of the premises and all requirements thereof shall be binding upon all persons owning property in Churchill Estates Subdivision.
2. Property owners who are in violation of these rules and regulations will have 30 days to correct any said violation after receipt of notice of violation.
3. No trailer, commercial vehicle or motor home / recreational vehicle, including but not limited to boats and boat trailers, shall remain parked upon any street or driveway within the subdivision except when present on business, and then for a limited period of time only. No parking is permitted by any vehicle of any kind, on any commons outlot, island, or the perimeter of Eleven Mile Road or Inkster Road. Any vehicle for sale must have a license, be insured by resident/homeowner and parked in driveway of resident/homeowner. (city ordinance #34-543)
4. No fence or wall may be erected on any lot or any lot line, except with the following rules:
  - (a) Plans must first be submitted in writing to the Officers of the Association with a dimensional scaled drawing attached. A written consent, signed by two (2) Officers of the Association will be required, before getting a permit from the City of Farmington Hills.

**(b) Swimming pool fences or other fences required by law or city ordinance #28-30**

**(If a portable pool is installed and a fence is erected, the fence must be taken down when the pool is removed.)**

**(c) Lot line fences (or walls) as determined by the City of Farmington Hills, ordinance #34-551, on such portion of the lot line that coincides with the perimeter line of the subdivision or the perimeter line of any common areas (outlot or entrances).**

**(d) Encroachment upon the Commons Areas or installation of any structure, permanent or temporary, including but not limited to above or below ground fences for pets is strictly prohibited.**

**(e) Dog runs are permitted only following submission of plans to the Association Officers and securing permission in writing from each adjoining neighbor. Then, an application for a permit must be submitted to the City of Farmington Hills.**

**(f) Property owners who fail to maintain swimming pools, fences and/or dog runs to the detriment of the overall attractiveness of the subdivision shall be notified in writing of their obligation to correct the violation within thirty (30) days of receipt of the notice. Failure to correct said violation within 45 days of notice will resort in legal action.**

**5. Signs are permitted to be displayed to public view, according to the following rules:**

**(a) On individual homeowner's property only.**

**(b) Not more than six (6) square feet, e.g.(2 x 3), in size**

**(c) Must be maintained in good condition.**

**(d) Unless otherwise regulated by statute or local ordinance, signs should be removed within a reasonable time. (30 days)**



6. No lot shall be used for a dumping ground for rubbish or debris of any kind. Trash and other forms of waste shall not be kept on any lot except in sanitary container, properly concealed from public view. The schedule of garbage pick-up for the City of Farmington Hills shall be strictly followed which permits placing trash and garbage at the curb no earlier than 6:00 p.m. on the evening before the scheduled weekly pick-up. No trash or garbage, or empty containers for trash or garbage, shall remain after 6:00 p.m. on the regular day for garbage pick-up.

7. Other than dogs and cats, and other animals kept as household pets, no animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot.

8. The Officers of the Association shall comprise an Architectural Control Committee whose function will include, among other things, control of the use and maintenance of the Common Areas. The Architectural Control Committee shall serve the general purpose of acting for the best interests of all homeowners in the subdivision and shall be responsible for promulgating these Rules and Regulations. Any individual homeowner who plans to erect any structure on their lot, including but not limited to fence, deck, storage shed and any freestanding or non-adjointing out-building, shall first submit their plans in writing to the Architectural Control Committee, with a dimensional scaled drawing attached, for approval prior to the beginning of any project. The written consent of the Architectural Control Committee must be signed by at least two(2) Officers and will be required before seeking a building permit from the City of Farmington Hills.

9. Enforcement of these Rules and Regulations and the terms and requirements of the By-Laws shall be pursued by the Association Officers using all efforts and means at their disposal including but not limited to the full extent of legal remedies such as injunctions, lawsuits, and application to Code Enforcement Officers of the City of Farmington Hills.

10. These Rules shall be regarded as being in addition to and in compliance with the Deed Restrictions recorded at the Oakland County Register of Deeds in Liber 5050, Page 862 dated July 7, 1967.