

**NEGAUNEE LAKE
PROPERTY OWNERS ASSOCIATION**

BY LAWS

ARTICLE I

NAME AND LOCATION

Section 1. Association Name and Purpose

Name: This Association shall be called the Negaunee Lake Association

Purpose: This Association shall have the fiduciary duty and responsibility to maintain, operate, and repair the Property Owners Common Areas to the benefit of the Members of the Association, to improve property and protect landowners and investors interest in Negaunee Lake, Negaunee Lake Subdivisions 1-4 and adjacent areas eligible for membership, to enforce all of the provisions of these Bylaws and Land Use Restrictions, and shall represent the collective interests of Members between government entities such as Ewart Township, Osceola County and the State of Michigan.

Section 2. Principal Office

The principal office of the Negaunee Lake Association shall be at Negaunee Lake within the Township of Ewart, Osceola County, Michigan as the Governing Board may, from time-to-time designate.

ARTICLE II

MEMBERSHIP MEETINGS

Section 1. Annual Meetings

There shall be an annual meeting of the members of the Association between the months of June and September of each year, at such date as may be fixed by the Governing Board, within Osceola County, Michigan as the President may designate.

Section 2. Special Meetings

Special meetings of the members may be called at any time by the President, any three members of the Governing Board or by the Secretary under the written direction of not less than ten members.

Section 3. Notices

Unless otherwise provided by law, notices of either annual or special meetings of the membership shall be mailed to each member, postage prepaid, at least seven days prior to the date of such meeting, at the members last known post office address as appears upon the Secretary's records, or if directed by the member to their electronic mailing address. Members shall file with the Secretary their correct addresses, and if no address be filed, it shall be considered sufficient if notices be mailed to members at Negaunee Lake, Rt. #1, Ewart, Michigan. The notices shall specify the time and place of holding the meetings, and in case of special meetings, shall state the purpose or object of such meetings and no business not thus specified shall be considered at special meetings. No notice of the holding of an adjourned meeting shall be necessary.

Section 4. Quorum

A quorum of the Governing Board and 25% of the total membership represented at any meeting shall constitute a quorum for the transaction of business, but a less number may convene any meeting and may adjourn the same from time-to time until a quorum shall be present.

Section 5. Vote

Each dues paid shall be one membership. Only members may vote at all meetings. At all meetings of members, each member shall be entitled to two votes. A majority of the votes cast at any such meeting, shall be sufficient for the adoption or rejection of any question presented, unless otherwise provided by law.

Section 6. Order of Business

The order of business shall be substantially as follows:

1. Roll Call
2. Reading of Minutes of Preceding Meeting
3. Report of Standing Committees
4. Report of Special Committees
5. General Business
6. Election of Officers

Section 7. Inspectors of Election

At annual meetings, the presiding officer shall appoint three inspectors whose duty it shall be to open the polls, keep them open for such length of time as may be designated by the meeting, receive and count the ballots and immediately thereafter report to the presiding office the number of votes cast and the candidates receiving the highest number of votes for the respective offices, whom shall be deemed elected.

ARTICLE III

GOVERNING BOARD

Section 1. Defined

The affairs of the Association shall be governed by a President, Vice President, Secretary, Treasurer and the Directors. This shall be called the Governing Board

Section 2. Qualifications

Each Director shall be a member of the Association and any Director ceasing to be a member shall immediately cease to be a Director.

Section 3. Election

Officers and directors shall be elected at the annual meeting of the membership. Their term of office shall be two (2) years. All officers shall take office immediately after being elected and shall continue until his/her successor takes office.

As a means of providing for continuity within the Board, the election of Directors for Subdivisions 1 and 3, the Vice President and Secretary will be held in odd years. Directors for Subdivisions 2 and 4, the President, Treasurer, and Director At Large will be held in even years.

Section 4. Vacancies

Any vacancy or vacancies on the Governing Board may be filled by the remaining Directors, and they may also fill vacancies in any other office or committee of the Association. The Governing Board will also have power by a two-thirds vote of its members to remove or suspend any officer or member of a committee.

Section 5. Duties

Except as herein otherwise provided, the Governing Board shall have supervision of, and shall determine all matters affecting the welfare of the Association, authorize and control the finances and expenditures, have supervision of the acquisition and disposal of all Association property, and manage and control its affairs.

Section 6. Meetings

The Governing Board shall hold an annual and organization meeting within thirty days immediately following each annual membership meeting and shall hold other meetings whenever it may be summoned by the President or by the Secretary under the written direction of not less than three Directors. Any and all business may be transacted at meetings of the Governing Board and a majority of the members shall constitute a quorum, but a less number at any meeting of the Governing Board may convene and adjourn. All questions coming before any meeting of the Governing Board shall be decided by a majority vote for final approval by general membership unless otherwise provided by these by-laws or by law.

Section 7. Annual Picnic

Annual picnic to be held as determined by the Governing Board and approved by the membership at the annual meeting.

ARTICLE IV

OFFICERS

Section 1. Governing Board

The Directors shall consist of one member from each subdivision. Such election shall allow the Director to act as representative for his/her subdivision as a member of the Governing Board. In addition, there will be one Director at large elected by general membership and such Director will serve with the officers and will constitute part of the governing body.

Section 2. President

Subject to the Governing Board, the President shall be the Chief Executive Officer of the Association and shall have general supervision of its affairs. He/she shall call and preside at meetings of the Association and of the Governing Board and discharge such other duties as may be prescribed by these by-laws, and as the Governing Board may from time-to-time direct.

Section 3. Vice President

Subject to the Governing Board and in the absence of disability of the President, the Vice President shall perform all the duties pertaining to the office of President, during the continuance of such absence of disability. He/she shall perform such other duties as may be assigned to him/her by the Governing Board.

Section 4. Secretary

Board Approval Date: 7-7-2018
Full Membership Approval Date:7-6-2019

Subject to the Governing Board, the Secretary shall have the custody of the records and files of the Association; he/she shall keep a list of the membership of the Association, and shall have charge of all its accounts, including the preparation and filing of all reports required by law. He/she shall have custody of all securities and other instruments in writing owned by the Association and of the Governing Board, notify members of their election, and conduct the correspondence of the Association.

Section 5. Treasurer

Subject to the Governing Board, the Treasurer shall collect all fees and dues, and shall have custody of the Association's funds and charge of the collection of accounts due the Association. All funds shall be in an account of the Association. He/she shall disburse the funds of the Association by check and only with approval of the President. A list of all invoices thus paid during the year are to be presented to the Governing Board and made a part of the minutes of the first meeting of the Governing Board after the close of the previous meeting. He/she shall keep a record of all receipts and disbursements of funds by him/her and shall have authority to give receipts for monies paid to the Association, and to endorse checks, drafts and other negotiable instruments in the name of the Association. He/she shall deposit all funds, as directed by the Governing Board, and shall perform such other duties as may be assigned to him/her by the Governing Board. The fiscal year shall extend from August 1 to July 31 inclusive.

ARTICLE V

COMMITTEES

Section 1. Titles of Committees

Annually, and as soon as practicable after the annual membership meeting, the Governing Board shall appoint a Roads Committee, a Membership Committee, a Building and Restrictions Committee, a Lake Maintenance Committee, and such other committees as the Governing Board may deem advisable. The members of such committees shall hold office at the pleasure of the Governing Board.

Section 2. Roads Committee

The Roads Committee, which shall consist of one director and a minimum of two additional members in good standing who may or may not be members of the Governing Board, shall have general supervision of the maintenance of roads, signs and landscaping, planting of fish, trees and shrubs. Any contracts made by said Committee shall be binding upon the Association only when approved by the Chairperson and endorsed by the President or Vice President.

Section 3. Membership Committee

The Membership Committee shall consist of one Chairperson and as many other members of the Association in good standing as shall be appointed by the Governing Board.

Section 4. Building and Restrictions Committee

The Building and Restrictions Committee shall consist of one Chairperson and as many other members of the Association in good standing as shall be appointed by the Governing Board.

Section 5. Lake Maintenance and Improvement Committee

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The Lake Maintenance and Improvement Committee shall consist of one Chairperson and one member of the Association in good standing from each of the subdivisions, as shall be appointed by the Governing Board.

Recognizing the need to effectively manage any and all invasive species and/or overall health threats to the lake, the Negaunee Lake Maintenance and Improvement Committee (FKA Weeds Control Committee) was established through the approval of two-thirds of the Negaunee Lake Subdivisions 1-4 membership at the annual membership meeting held on July 6, 2019. The Committee is hereby authorized to arrange and contract for the ongoing assessment and control of all invasive species and/or overall health treats to the lake and to petition the Board and Membership for authorization to expend funds for any future lake improvement projects.

Any contracts made by or funds disbursed by said Committee shall be binding upon the Association only when approved by the Chairperson and the Governing Board.

(See Act 451 of 1994 Part 309 Inland Lake Improvements)

Section 6. Indebtedness and/or Commitments

Indebtedness and/or Commitments shall at no time exceed cash on hand.

ARTICLE VI

MEMBERSHIP

Section 1. Members

There will be one membership per dues paid. Any person owning real estate in any of the four platted Negaunee Lake subdivisions and any person owning real estate which abuts Negaunee Lake shall be eligible to be considered a member of the Negaunee Lake Association. For purposes of this section, the term "person" shall include partnerships, trusts and other legal entities, as well as other members of the immediate family.

Section 2. Membership, Dues, Fees and Assessments

Suspension of Members Rights

An Owner's right to vote shall be suspended if (a) the Owner's Association assessments, fees and/or dues are past due, and/or (b) the Owner is in violation of these Bylaws, the Restrictions or any ordinance of Law.

Fees and Assessments

Purpose. The purpose of the assessments levied by the Association is to repair, maintain, operate, manage, and improve Common areas, including but not limited to roads, parks, boat ramps, waste disposal areas, pavilions and beaches and to provide for all taxes and insurance thereon, and for any other lawful purpose allowed by Restrictions, or these Bylaws.

Use of the association parks, boat ramp, waste disposal area, pavilions and beaches are subject to the payment of association membership dues.

The association also maintains the road ways for the benefit of all property owners and therefore amounts expended for road maintenance and improvements will be assessed to all property owners regardless of their membership status.

In case a member or property owner shall neglect to pay his/her assessments or to pay and discharge any other indebtedness which he/she may owe to the Association, for a period of two months after notice is given him/her, such member or property owner shall upon the action of the Governing Board forfeit his/her membership in said Association. Sale or other disposition by a member of his/her entire interest in real estate abutting Negaunee Lake will result in forfeiture of membership by such selling or disposing members. Whenever any membership is forfeited, as in the Section provided, the Association shall be under no obligation to return to the former member the whole or any portion of his/her dues.

Enforcement of Obligation to Pay Assessments

The Association by and through its duly appointed officers shall have full power and authority to take all such actions and to bring such proceedings as may be necessary or appropriate to enforce the obligation of any property owner to pay any assessment for road maintenance or improvements which are not paid on the due date. To that end, the Association may retain an attorney or attorneys and may bring action in its own name to enforce said obligation. Any assessments or enforcement expenses are secured by a continuing lien upon the property against which the assessment is made. The lien may be enforced by recording appropriate instruments confirming the existence of the lien and foreclosing the lien by appropriate legal action. In such legal action, a court of competent jurisdiction may be empowered to order a sale of the lot subject to the lien in order to satisfy the lien, interest, and costs Reasonable attorney's fees of any such action shall be added to the amount of the assessment. The lien shall be subordinate and junior to the lien of any first mortgage securing a loan for the acquisition or improvement of any lot in the Negaunee Lake Subdivisions 1-4 or abutting property subject to assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by abandonment of the property.

Section 3. Reinstatement

Any member, whose membership has been forfeited as provided in the preceding section, may be reinstated by the Governing Board. All arrears must be paid unless said arrears are waived by the Governing Board.

Section 4. Dues and Assessment Amounts

The amount of dues and assessments shall be decided at the annual meeting, and shall be due January 1st, paid in full no later than May 1st. A dues and assessment notice shall be sent to the membership by the Secretary at least one month prior to the due date.

Section 5. Annual and Special Assessment Notification

The Secretary shall send a notice of all special and annual road maintenance and improvement assessments approved by the Governing Board to the property owners. Such notice will include the amount and reason for the assessment.

Section 6. NLA Property/Road Damage

Any Association member, property owner, private individual, or contractor using Negaunee Lake Association property or roads for major construction, landfill, or other projects that could cause damage to

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said property or roads, may be required to place a \$1000 security deposit with the Negaunee Lake Association Treasurer.

If no damage occurs to the Negaunee Lake Association property or roads, the entire security deposit will be returned. The Negaunee Lake Association Governing Board will determine if damage has occurred.

If damage occurs to Negaunee Lake Association property or roads, the entire security deposit or a portion thereof, to be determined by the Negaunee Lake Association Governing Board, may be retained.

The Negaunee Lake Association Governing Board will determine what projects will require a security deposit.

ARTICLE VII

AMENDMENTS

Section 1. At Meetings

These by-laws may be amended, revised or repealed in whole or in part at any annual meeting of the membership, and at any special meeting. The notice of such special meeting shall refer to the proposed amendment revision or repeal.

Section 2. By Governing Board

The by-laws may be amended by the Governing Board, but when so amended, the amendment or amendments made by such Board shall be reported by it to the next annual or special meeting of the membership. Such amendment(s) shall thereafter remain effective only if approved at such membership meeting. The power of the Governing Board to amend these by-laws may be suspended or withdrawn by the members at any membership meeting.

***By-laws revised 2019

***By-laws revised 2014

***By-laws revised 2013

***By-laws revised 2010

***By-laws revised in 1986

***Prior by-laws were dated August 1979

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