

21 April 2005

## BYLAWS

### HUNTERS CREEK HOMEOWNERS ASSOCIATION

#### MASCOUTAH, ILLINOIS

##### ARTICLE I

###### THE CORPORATION

Section 1. The name of the corporation is the Hunters Creek Homeowners Association, hereinafter called the "Association".

Section 2. The purpose of the Association shall be to provide improvement and maintenance of the Hunters Creek subdivision for the comfort and well being of the residents, including, but not limited to the Restrictive Covenants of Hunters Creek and any properties to be considered common grounds after the developers have sold the last lot in the subdivision.

##### ARTICLE II

###### MEMBERSHIP

Section 1. "Member" shall mean and refer to the record owner or owners of any lot which is part of the Hunters Creek subdivision.

Section 2. Except as noted later in this section, one vote shall be called a "voting unit". Only whole votes shall be cast. "Lot" shall refer to platted lots on which a single family home may be constructed. IF two normal lots are combined and bear but one home, those two lots comprise but one voting unit.

Section 3. During any period in which a member shall be in default in the payment of any annual or special assessments levied by the Association, the voting rights of the voting unit may be suspended by the Association Board until the assessment has been paid.

Section 4. Present owners of lots (at the adoption of these by-laws) in Phase I and II of the Subdivision will have the one time option of joining the Association. Future property owners of lots in Phase IV will have mandatory membership in the Association.

Section 5. The Association will enforce (with the developer, as long as he owns any lots in the sub-division) the restrictive covenants for the protection of all property owners

in the sub-division. If any legal action is necessary all legal costs will be charged to the property owner found in violation of the covenants.

### ARTICLE III

Section 1. Association officers shall be elected from the membership at the annual meeting of the Association and shall consist of a President, Vice-President, Secretary, and Treasurer.

Section 2. In addition to the nominees presented by the Nominating Committee, nominations shall be taken from the floor. Election shall be by simple majority of the voting units present.

Section 3. The term of office for each officer shall be for two years with the President and Secretary elected on the even numbered years and the Vice-President and Treasurer being elected on the odd numbered years. Proper adjustment will be made for the first year of adoption enactment of the bylaws.

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

- (a) The President shall preside at all meetings and insure that all the duties of the Officers and committees are being carried out.
- (b) The Vice-President shall preside at the Association meetings in the absence of the President. The Vice-President would replace the President should the President sell his or her lot(s) or otherwise be incapable of fulfilling the duties of the President. The Vice-President may also be assigned other duties by the President as needed.
- (c) The Secretary shall maintain an accurate list of all lot owners in Hunters Creek Subdivision, prepare notices of meetings, conduct correspondence, provide copies of current by-laws and restrictions to all local real estate brokers who do business in the Subdivision, keep an accurate record of all Association or Directors meetings, distribute copies of minutes to all members, maintain a supply of current bylaws and restrictions and kept the corporation's charter current.
- (d) The Treasurer shall distribute by December 1<sup>st</sup> to all members the amount of the annual assessment, collect annual and special assessments, pay Association bills, sign checks, maintain bank accounts and keep an accurate record of all financial transactions.

### ARTICLE IV

#### THE ASSOCIATION BOARD OF DIRECTORS

Section 1. The Association Board of Directors hereinafter known as the "Board" shall consist of the Association officers and Mr Steve Renth or a director of his choice with veto power until such time as he sells his last lot.

Section 2. The Board shall have the power and authority to manage the affairs of the Association, taking any action toward this end permitted by law and these by-laws.

Section 3. The Board shall meet at least once a year.

Section 4. A quorum shall consist of three board members. Decisions made by a simple majority of the Board at which a quorum is present shall constitute an act of the Board.

Section 5. A board member missing three consecutive board meetings may be expelled from the Board by a majority of the Board.

Section 6. The President shall appoint a successor to fill any unexpired term of any vacancy of the Board, subject to approval by the Board.

## ARTICLE V

### COMMITTEES

Section 1. Special committees may be appointed by the President as needed, including the following:

(a) Auditing Committee. Prior to the annual meeting the outgoing president shall appoint an Auditing Committee of two persons from different voting units and not serving on the Board and not related to the treasurer to audit the treasurer's books and to present a written report at the annual meeting.

(b) Nominating Committee. The President shall appoint a Nominating Committee of three persons from different voting units by November 1 to prepare a slate of nominees for the Association Board.

(c) Recreation Committee. The President shall appoint a committee of three or more persons from different voting units. Each member of the committee shall represent a voting unit with membership in the recreation program of the Association. The Recreation Committee shall oversee the operation of any recreation facilities on Association common ground.

(d) Construction Review Committee. The President shall appoint a committee of three or more persons from different voting units. The committee shall review construction plans and specifications for conformance with the restrictive covenants for houses, sheds, fences, and modifications. The committee acts for the board in

approving fences and fulfills the functions of the “Five Star Communities Committee” for approval of sheds.”

## ARTICLE VI

### ASSOCIATION MEETINGS

Section 1. An annual meeting of the Association shall take place in the month of November, the time and place to be decided by the Board.

Section 2. Special meetings of the Association may be called by the Board.

Section 3. Written notices of the time and place of the annual meeting shall be given by the Treasurer with the annual assessment notice.

Section 4. No business shall be conducted without the presence of a quorum consisting of 1/10<sup>th</sup> of the voting units.

Section 5. Each voting unit may vote in person or by proxy. All proxies shall be in writing and filed with the secretary prior to the meeting.

## ARTICLE VII

### ASSESSMENTS

Section 1. The amount of the annual membership assessment shall be set by the Board of Directors and approved by a majority of the member property owners of the Association at the Annual Meeting. The amount of the recreation assessment shall be set by the Board of Directors with recommendations from the Recreation Committee and approved by the majority of the member property owners of the Association at a meeting of the Association. The annual assessment shall be due September 15<sup>th</sup> and will be delinquent 45 days after which legal action may be taken. New property owners should they purchase with a closing date after July 31<sup>st</sup> will be charged one half the annual assessment. Should the new property owner close after September 14<sup>th</sup>, they will pay full assessment and thus be paid thru the entire following year.

Section 2. The annual assessment may be changed by a simple majority of the voting units in the Association meetings.

Section 3. Special assessments in an amount determined by simple majority of the voting units in the Association at a regular or special meeting shall be due on the date determined by the body.

Section 4. Present owners of the lots (voting units) in Phase I and Phase II have the one-time option of joining the Association. Mandatory membership in the Association and all its programs (covenants) is required of all owners of Phase III required by paragraph 24 of the Hunter's Creek Restrictions Indenture and all owners of Phase IV. Any present property owner of Phase I or II who declines initial membership or subsequent membership but decides to join at a later date is subject to all annual membership assessments from the date of the inception of the Association, September 11, 2000, or the closing date of the purchase of their property, whichever is the later date.

## ARTICLE VIII

### EXPENDITURES

Section 1. The Treasurer is directed to pay any invoice approved for payment by a quorum of the Association Board.

Section 2. Checks shall be signed by the Treasurer and the President.

## ARTICLE IX

### ORGANIZATION OF THE ASSOCIATION

#### ADOPTION OF THESE BY-LAWS

Section 1. These by-laws are to be officially adopted by simple majority of a quorum of the voting units sold at the time of the first annual meeting.

Section 2. Officers shall be elected at the first annual board meeting.

## ARTICLE X

### AMENDMENTS

Section 1. These by-laws may be amended at a regular or special meeting by a simple majority of the voting units.

Section 2. The Association is tasked with control of the common property and is authorized to enforce the covenants. The Association may assist the homeowners with amending the covenants and filing such changes or waivers.