

Bylaws

Forest Park Homeowners Association

P.O. Box 278, Poca, WV 25159

Forestparkha.com

(Revised February, 2020

Includes notation of the dates when amendments were adopted)

ARTICLE 1: DEFINITIONS

Section 1: "Articles of Incorporation" shall mean and refer to the Articles of Incorporation for the [Association](#) as may be amended in accordance with the terms thereof.

Section 2: "Association" shall mean and refer to Forest Park Homeowner Association, Incorporated, its successors and assigns.

Section 3: "Common Properties and Facilities" shall mean and refer to all real property owned by the Association for the common use and enjoyment of its members as defined in the Articles of Incorporation and the Declaration including without limitation: ornamental features, parking areas, utility rights of way, streets, roads and footways, including buildings, structures, fixtures and personal property incident thereto, as the same may be shown upon the plat or plats recorded or to be recorded for the Properties.

Section 4: "Properties" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions, and Restrictions and Easements, as may be hereafter amended as therein provided, and such additions thereto as may be hereafter be brought within the jurisdiction of the Association.

Section 5: "Declaration" shall mean and refer to the Declaration of Covenants, Conditions, Restrictions, and Easements as may be hereafter amended as therein provided, applicable to the Properties and recorded or to be recorded in the Office of the Clerk of the Putnam County Commission.

Section 6: "Fiscal Year" shall mean the fiscal year of the Association shall begin on the first day of January and end on the thirty-first day of December of every year, except that the first fiscal year shall begin on the date of incorporation.

(Amendment adopted May 1993 Annual Meeting replaced First day of July and end on the thirtieth day of June)

ARTICLE 2: ASSOCIATION PURPOSES AND POWERS

Section 1: Purpose and Powers. The Association has been organized for the purposes and for the exercise of those powers set forth in the Articles of Incorporation.

ARTICLE 3: MEMBERSHIP

Section 1: General. All persons or entities who are listed as members of the Association in the Articles of Incorporation and the Declaration shall be members of the Association.

Section 2: Rights Subject to Payment of Assessment. The membership and voting rights of members are subject to the payment of annual and special assessments levied by the Association, the obligation of which is imposed against each owner of and becomes a lien upon the property against which such assessments are made as provided by the Declaration, which Declaration, by this reference, is incorporated herein and made a part hereof.

(a) If an account is late paying dues, the following will happen – If they are one (1) year overdue, a lien will be placed on their property. If they are (2) or more years overdue, magistrate papers will be filed against the owner(s). Filing fees will be added to the account. *(Adopted February 2007 Annual Meeting)*

Section 3: Suspension of Rights. The membership and voting rights of any persons whose interest in the Properties is by the Declaration subject to assessment whether or not he be personally obligated to pay such assessments, shall be suspended by resolution of the Board of Directors during the period when any assessments remain unpaid; in accordance with articles of Incorporation but, upon payment of such past due and current assessments, such rights and privileges shall be automatically restored. If the Board of Directors have adopted and published rules and regulations governing the use of the Common Properties and Facilities and the personal conduct of any member or guest thereon, they may, in their discretion, suspend the rights of any such person for violation of such rules and regulations for a period not to exceed sixty (60) days per suspension.

Section 4: Books and Papers. The books, records and papers of the Association, including true copies of the Articles of Incorporation, Bylaws and Declaration, shall at reasonable times be subject to the inspection of any member upon request to the Secretary.

ARTICLE 4: VOTING RIGHTS

Section 1: General. Members of the Association shall have voting right as set forth in the Declaration and Articles of Incorporation.

Section 2: Voting Privilege. Members who are paid up through December 31 of the previous year shall have voting privileges. *(Adopted May 1993 annual meeting)*

ARTICLE 5: PROXY VOTING

Section 1: General. At all corporate meetings of the members, each member may vote in person or by proxy.

Section 2: Execution and Filing. Any proxy, and any revocations thereof, shall specify the lot or lots to which it applies and shall be in writing signed by the member and filed with the Secretary. No proxy shall extend beyond the earlier of a period of three (3) months from the date of its execution or the sale, transfer or demise of the member's interest in the or lots to which the proxy applies.

ARTICLE 6: ACTS OF THE MEMBERSHIP

Section 1: Special Meetings: Matters Requiring Written Assent of Members. Annexations, Removal of Officers and/or Directors, amendment of Bylaws, mergers and consolidations, borrowings and mortgages, dedications or transfers of any substantial asset of the Association, dissolution of the Association and all other matters requiring the written assent of the members shall all be made in accordance with the Declaration and the Article of Incorporation; provided however, that the Board of Directors shall by resolution approve any proposed plan therefore and agree that it be submitted to a vote at a regular or special meeting of the members entitled to vote thereon. Written notice setting forth the proposed plan or a summary thereof shall be given to each member at least fifteen (15) days prior to said meeting. The quorum required for any such action by the members shall be the following:

At the first meeting duly called the presence of members, or proxies, entitled to cast fifty-one (51) percent of all of the members shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the same notice requirements of the first meeting and the required quorum at any such subsequent meeting shall be one-half ($\frac{1}{2}$) of the required quorum at the preceding meeting, provided that no such subsequent meeting shall be held more than thirty (30) days following such preceding meeting.

ARTICLE 7: MEETING OF MEMBERS

Section 1: Time. The annual meeting of the members shall be held on the Second Sunday of February of each year, at the hour of two o'clock p.m. If the day for the annual meeting of the members shall fall upon a holiday, the meeting will be held at the same hour one week following which is not a holiday. *(Amendment adopted May 1993 annual meeting replaced first Sunday on May)*

Section 2: Purpose. Regular meetings of the members for any purpose may be called at any time by the President, Vice-president, the Secretary or Treasurer; or by any two or more members of the Board of Directors, or, upon written request to the Secretary, by the members who have a right to vote at least one-fourth (1/4) of all votes of the entire membership.

The conduct of all meetings shall be governed by Roberts Rules of Order as amended by vote of the Board of Directors or the membership.

These regular meetings shall be held within 30 days of notice or upon receipt of petition.

Section 3: Notice. Notice of any meeting of the members shall be given to the members by the Secretary. Notice may be given to the members either personally or by sending a copy of the notice. Each member or proxy shall register an address with the Secretary, to which notice of meetings shall be sent. Notice of any meeting, regular or special, shall be sent at least six (6) days in advance of the meeting and shall set forth in general the nature of the business to be transacted, provided, however, that if the business of any meeting shall involve an election or removal of directors or any action governed by the Articles of Incorporation or by the Declaration, notice of such meeting shall be given or sent as therein provided in Article 6, Section 1.

Section 4: Quorum. The presence at the meeting of members entitled to cast or of proxies entitled to cast, two-tenths (2/10) of the votes of the members shall constitute a quorum for any action governed by the Bylaws except as otherwise provided herein. Any action governed by the Articles of Incorporation or by the Declaration shall require a quorum as therein provided.

ARTICLE 8: PROPERTY RIGHTS AND RIGHTS OF ENJOYMENT OF COMMON PROPERTY

Section 1: General. Each member shall be entitled to the use and enjoyment of the Common Properties and Facilities as provided by the Declaration.

Section 2: Delegation of Rights. Any member may delegate his rights of enjoyment to the Common Properties and Facilities to members of his family who reside upon the Properties or to any of his tenants who reside thereon under leasehold interest. Such members shall notify the Secretary in writing of the name of any such person and of the relationship of the member to such person. The rights and privileges of such person are subject to suspension to the same extent as those of the member. The Board of Directors may permit or prohibit guests of residents to use the Common Properties and Facilities upon such terms as they shall determine.

ARTICLE 9: BOARD OF DIRECTORS

Section 1: Management of Association. The affairs of the Corporation shall be managed by a Board of Directors consisting of five (5) directors to serve terms of one year. The number of directors may be changed from time to time at a special meeting of the members and such change shall be made by Amendment to the Bylaws.

Section 2: Vacancies. Vacancies in the Board of Directors shall be filled by the remaining directors, any such appointed director to hold office until the next regular election of directors, at which time the unexpired term shall be filled by vote of the members.

ARTICLE 10: POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1: Enumeration of Powers. The Board of Directors shall have the power and duty to:

(a) Call special or regular meetings of the members whenever it deems necessary and shall call a meeting at any time upon written request filed with the Secretary and signed by at least one-fourth (1/4) of the members of any class of membership; and

(b) Appoint and remove at pleasure all officers, agents and employees of the Association, prescribe their duties, fix their compensation, and require of them such security or fidelity bond as it may deem expedient. Nothing contained herein shall be construed to prohibit the employment of any member, officer or director of the Association in any capacity whatsoever; and

(c) Adopt and publish rules and regulations governing the use of the Common Properties and Facilities and the personal conduct of members and their guests in regard thereto; and

(d) Exercise for the Association all powers, duties and authority vested in or delegated to the Association, except those reserved to the property owners or the membership in accordance with the Articles of Incorporation and the Declaration; and

(e) Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at any and all meetings; and

(f) Procure and maintain adequate liability and property insurance for the Association.

(g) Supervise all officers, agents and employees of the Association, in order to see that their duties are properly performed; and

(h) Fix, propose and present the annual budget; for approval of the annual meeting.

(i) Compensate and/or pay debts accrued by the association.

(j) Bring before the membership for approval any expenditures exceeding one thousand (\$1,000) dollars. ***(Amendment adopted February 1996 Annual Meeting to increase exceeding \$500)***

(k) As more fully provided in the Declaration.

1) Fix the amount of assessment against each lot for each assessment period as called for in the Declaration; and

2) Define the uses for the assessment and the amount for those uses.

3) Have prepared a roster of lots within the Properties and assessments applicable thereto which shall be kept by the Secretary and shall be available for inspection by any member upon request at any reasonable time; and send written notice of each assessment to every member subject thereto; and

4) Collect, by any lawful means, delinquent assessments; and

(l) Cause the Common Property and Facilities to be maintained; and

(m) Repair and maintain streets and drainage to conditions held to be normal and operational.

(n) In the event that any member of the Board of Directors of this association shall be absent from three (3) consecutive regular meetings of the Board of Directors, the Board of Directors may by resolution at said third meeting declare the office of the absent Director to be vacant.

ARTICLE 11: ELECTION OF DIRECTORS: NOMINATING COMMITTEE: ELECTION COMMITTEE

Section 1: General. Election to the Board of Directors shall be by written secret ballot as hereinafter provided. At such election, the members or their proxies may cast, in respect of each vacancy, as many votes as they are entitled to exercise under the Articles of Incorporation and the Declaration. The names receiving the largest number of votes shall be elected.

Section 2: Nominations. Nominations for elections to the Board of Directors shall be made by a nominating committee which shall be one of the standing committees of the Association.

Section 3: Nomination Committee. The nominating committee shall consist of a chairman who shall be a member of the Board of Directors and four (4) or more members of the Association. The nominating committee shall be appointed by the Board of Directors prior to each annual meeting of the members to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each such annual meeting.

Section 4: Nomination Procedure. A nominating committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among members as the Committee, in its discretion, shall determine. Nominations shall be placed on a written ballot as provided herein and shall be made in advance of the time fixed for the sending of such ballots to members or proxies.

Section 5: Elections. All elections to the Board of Directors shall be made on written ballot which shall: (a) describe the vacancies to be filled; (b) set forth the names of those nominated by the nominating committee for such vacancies; (c) contain a space for write-in votes by the members or proxies for each vacancy; and

Section 6: It shall be the duty of the Board of Directors and of the nominating committee to conduct all elections in a fair and equitable manner and properly post the results.

ARTICLE 12: MEETINGS OF DIRECTORS

Section 1: Regular Meetings. Regular meetings of the Board of Directors shall be held at least once each calendar quarter, with or without notice, at such place, date and hour as may be fixed from time to time by resolution of the Board of Directors.

Section 2: Special Meetings. Special meetings of the Board of Directors shall be held when called by the President, Vice-president, Secretary or Treasurer on the Association or by any two directors after not less than three (3) days' notice to each director.

Section 3: Waiver of Notice. The transaction of any business at any meeting of the Board of Directors, however called and noticed, or wherever held, shall be as valid as though made at a regular meeting duly held after regular call and notice if (i) a quorum is present at the meeting and (ii) either before or after the meeting, each of the directors not present at the meeting signs a written waiver of notice, or a consent to the holding of such meeting, or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records and made a part of the minutes of the meeting.

Section 4: Quorum. The majority of the Board of Directors shall constitute a quorum thereof.

ARTICLE 13: OFFICERS AND THEIR DUTIES

Section 1: Enumeration of Officers. The officers of the Association shall be a president and a vice-president, both of whom shall be members of the Board of Directors, a secretary, and a treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2: Election of Officers. The election of officers shall be by a vote of a majority of the members of the Board and shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

Section 3: Term. The officers of the Association shall be elected annually by the Board of Directors and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 4: Special Appointments. The Board of Directors may elect such other officers of the Association as may be required, each of whom shall hold office for such period, have such authority, and perform such duties as the Board of Directors may from time to time determine.

Section 5: Resignation and Removal. Any officer may be removed from office with or without cause by the Board of Directors. Any officer may resign at any time by giving written notice to the Board of Directors, the president or the secretary. Such resignation shall 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 6: Vacancies. A vacancy in any office may be filled by appointment by the Board of Directors. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 7: Multiple Offices. Two or more offices may be held by the same person except the offices of president and secretary, and the offices of president and treasurer.

Section 8: Duties of Officers. The duties of the officers of the Association include the following:

(a)President. The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board of Directors are carried out; shall sign all leases, mortgages, deeds, notes and other written instruments on behalf of him by the Board of Directors.

The principal office of the Association shall be located at the residence of the president or as specified by the Board of Directors from time to time.

(b)Vice-president. The vice-president shall act in the place of the President in the event of his absence and shall exercise and discharge such other duties as may be required of him by the Board of Directors.

(c)Secretary. The secretary shall record the votes and minutes of all meetings and proceedings of the Board of Directors and of the members in a set of books to be kept for that purpose; serve notice of meetings of the Board of Directors and of the members; keep appropriate current records showing the members of the Association, as registered by members, together with their addresses; execute various certificates in connection with the affairs of the Association; and shall perform such other duties as required by the Board of Directors.

(d)Treasurer. The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting.

ARTICLE 14: STANDING COMMITTEES

Section 1: Standing Committees. The standing Committees of the Association shall be:

- (a)** The Nomination Committee
- (b)** The Election Committee
- (c)** The Maintenance Committee
- (d)** The Finance Committee

Section 2: Membership. Unless otherwise provided herein, each committee shall consist of a Chairman and two or more members and shall include at least one member of the Board of Directors for board contact. The Committees shall be appointed by the Board of Directors at the next regular meeting of the Board of Directors following each annual meeting, to serve for a term of one year. The Board of Directors may appoint such other committees as it deems desirable.

Section 3: Nomination Committee; Election Committee. The Nomination Committee and the Election Committee shall have the duties and functions described herein.

Section 4: Maintenance Committee. The Maintenance Committee shall advise the Board of Directors on all matters pertaining to the maintenance, repair or improvement of the Common Properties and Facilities of the Association and of the condition of the Properties and shall perform such other functions as the Board of Directors, in its discretion, determines.

Section 5: Finance Committee. The Finance Committee shall supervise the annual audit of the Association's books and approve the annual budget and balance sheet statement to be presented to the membership at its regular annual meeting as provided herein. The treasurer shall be an **ex-officio** member of the Committee.

Section 6: Complaints. It shall be the duty of each committee to receive complaints from members on any matter involving Association Functions, duties and activities within its field of responsibility. It shall dispose of such complaints as it deems appropriate or refer them to such other committees, director or officer of the Association as may also be concerned with the matter presented.

ARTICLE 15: PETS

Section 1: Leash Law Requirements. All domestic animals and pets in the boundary of Forest Park shall be kept on a leash or in a fenced in yard. No pet shall be allowed to run loose in the neighborhood. Pet owners must clean up after their pets and dispose of the waste in suitable containers. ***(Adopted February 2010 Annual Meeting)***

(Amendment Adopted May 1993 Annual Meeting to add ...domestic animals ...)

Section 2: Damage to Common Area: Damages caused to a common area or non-dwelling areas are the responsibility of the owner. The Board shall have the authority to repair any damages and require reimbursement from the owner. ***(Adopted February 2010 Annual Meeting)***

ARTICLE 16: STORAGE

Section 1: Building Materials. No building materials shall be stored on any site except temporarily during continuous construction of an Improvement. ***(Adopted February 2010 Annual Meeting)***

ARTICLE 17: STREETS/PARKING

Section 1: Parking. In order to provide for street maintenance, snow removal, and to provide a fire lane for the protection of all members, on-street parking shall only be permitted on one side of each street or lane. The Maintenance Committee shall designate, on a per street or section of street basis, proper areas for on-street parking and prohibited parking areas, including in specific locations prohibiting parking on both sides of a given section of street.

The Directors of the Association shall have the right and duty to take all necessary steps to enforce this rule, including but not limited to, causing such violators to be removed at the owner's expense and/or suspending the rights of members as provided for in Article 3, Section 3.

Section 1a: There shall be no parking on the mail box side of streets. *(Adopted May 1993 Annual Meeting.)*

*****Section 1b:** All homeowners will be allowed one vehicle to be parked on the street per residence. *(Adopted February 2020 Annual Meeting)*

Section 2: Winter Parking. When parking during winter months, please be advised that you will be responsible for clearing the area where your car is parked, also 10' in front and 10' behind the vehicle. When snow removal is necessary it's nearly impossible to clear the entire roadway when vehicles are obstructing the plow's path. This will help to eliminate the icy patches left behind not treated. *(Adopted February 2010 Annual Meeting)*

Section 3: Street Maintenance. No writing shall be permitted in fresh poured concrete. Parents will replace the sections that are destroyed at an approximate cost of \$1,500 to \$2,000. *(Adopted July 1996 Special Meeting)*

Section 4: Speed Limit. The speed limit in the park is fifteen (15) miles per hour. *(Amended February 2005 Annual Meeting)*

ARTICLE 18: AUTOMOBILE/VEHICLE

Section 1: Front Yard. No automobile or other vehicle can be parked in the front yard, except in the driveway or pad, paved or gravel on any lot. Automobiles may be maintained, repaired, serviced, rebuilt or dismantled on any lot, but not to exceed a 3-day limit. All vehicle components should be kept within the confines of the garage or within the fenced backyard and must be screened from view by neighbors. *(Adopted February 2010 Annual Meeting)*

Section 2: Commercial Vehicle. Commercial vehicles may not be parked upon any street or in the front yard of any lot during snow accumulation nights. Commercial vehicles include large trucks, pickup trucks and vans with company logos and attachments such as bed racks that may be used for business purposes. Such vehicles can be parked in garages and driveways. This does not preclude the temporary parking of commercial vehicles associated with periodic maintenance activities. *(Adopted February 2010 Annual Meeting)*

Section 3: Recreational Vehicle (RV). Recreational vehicles may not be parked upon any street or easement. This includes boats, campers, utility trailers, etc. *(Adopted 1996 Annual Meeting)*

Section 4: ATV'S, side-by-sides, go-carts, dirt bikes, any unlicensed vehicles. Will No longer be allowed in our neighborhood. Signs will be placed at the three Entrances stating "No ATV's Go-Carts, etc. are permitted." *(Adopted Feb 21 2016)*

Section 5: Any vehicle parked on the street that has dead tags, no license, will be given a 30-day notice to remove the vehicle. If the vehicle is not removed by the end of the 30 days, the vehicle will be towed at the owner's expense. *(Adopted February 21, 2016)*

Section 6: Automobile/Vehicle Repairs Any vehicle parked upon the streets of Forest Park Subdivision, must be properly licensed, and possess current inspection sticker. No vehicle may be repaired, serviced, rebuilt or dismantled while on the street. This includes vehicles that are on roll back trucks, car haulers, car trailers, blocks of wood, logs or jack stands, while located on the street. No utility trailers on street or in yard Must be on a concrete pad or graveled driveway behind the home. Failure to comply will result in vehicle being towed at owner's expense *(Adopted February 2019 Annual Meeting)*

ARTICLE 19: RECREATIONAL EQUIPMENT

Section 1: Alternate Recreational Equipment. Unless it is being used at the time, no outdoor, temporary or permanent recreational equipment may be placed in the front yard or in driveways. By way of example and not limitation, this includes equipment such as temporary volleyball nets, baseball training devices, etc. Temporary portable basketball hoops are acceptable but must be placed in such a manner that they do not block roadways.

Permanent basketball hoops or other permanent outdoor recreation equipment installed prior to the adoption of these rules and regulations is exempt from this requirement. *(Adopted February 2010 Annual Meeting)*

ARTICLE 20: DRAINAGE

Section 1: Drainage Mechanisms. Each owner shall maintain the grading upon his or her lot at the slope and pitch fixed by the final grading thereof completed by or on behalf of Declarant or any of the Declarant's Designees, and no owner shall in any way interfere with or change the drainage pattern established on his or her lot without the written consent of the Board. No new grading, French drains, trench drains or similar devices shall divert water onto other properties or otherwise substantially alter existing drainage patterns. *(Adopted February 2010 Annual Meeting)*

ARTICLE 21: YARDS AND OPEN SPACES

Section 1: Weeds. All yards, open spaces and the entire areas of every Site on which no building has been constructed shall be kept mowed to a maximum of 6 inches on ten (10) foot perimeters along street lines that adjoin a neighbor or common area. Each site shall be kept free from trash, brush and other growth which in the reasonable opinion of the Committee is unsightly or causes undue danger of fire, rodents, etc. *(Adopted February 2010 Annual Meeting)*

Section 2: Foliage Maintenance. Foliage must be trimmed so that it is at least 15 feet above roadway. It is the responsibility of the homeowner to keep it trimmed back. *(Adopted February 1996 Annual Meeting)*

ARTICLE 22: HOLIDAY DECORATIONS

Section 1: Decorations: All seasonal decorations must be removed within thirty (30) days after the particular holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion. All holiday lighting should be considered temporary and may not be installed prior to forty (40) days before the holiday and must be removed within thirty (30) days after the holiday. *(Adopted February 2010 Annual Meeting)*

ARTICLE 23: AMENDMENTS

Section 1: Requirements. These Bylaws may be amended, in a special meeting of the members, by vote of a majority of members as defined in Article 6, Section 1, provided that the provisions of the Bylaws which are governed by the Articles of Incorporation may not be amended except as provided in the Articles of Incorporation or by applicable law; and provided further that any matters stated herein to be or which are in fact governed by the Declaration may not be amended except as provided therein.

ARTICLE 24: CONFLICT RESOLUTION

Section 1: Conflict between Declaration, Articles of Incorporation and Bylaws. In the event of any conflict between the Articles of Incorporation and the Bylaws, the Articles of Incorporation shall control, and in the case of any conflict between the Declaration and the Bylaws, the Declaration shall control.

ARTICLE 25: FINES/ENFORCEMENT

All Infraction will

Section 1: Fines. In addition to or in lieu of other remedies, the Board may seek to enforce these rules through the use of fines. Fines will be levied as follows:

- 1) Warning Letter (One warning letter will be sent. If there is a second infraction, the following steps will be taken:
- 2) \$100.00 fine
- 3) \$200.00 fine
- 4) Civil Action

(Adopted February 2019 Annual Meeting)

Section 2: Enforcement. The board shall have the authority to enforce these rules through fines as set forth in these rules, by seeking equitable relief from a court of competent jurisdiction, or by pursuing any other remedies that are available in law or in equity. *(Adopted February 2010 Annual Meeting)*

ARTICLE 26: PROCEDURES FOR ENFORCEMENT

Upon receipt of information leading to a reasonable belief that one of the FPHA rules or covenants may have been violated, the Board shall undertake an information investigation. If this informal investigation leads to a reasonable belief that a rule or covenant has in fact been violated, the Board shall send notice of the alleged violation to the homeowner. The homeowner shall have ten (10) days from the date of the notice of the alleged violation to file a written protest with the board. The Board will have thirty (30) days to conduct a formal investigation during which time the homeowner may present evidence on his/her behalf. At the conclusion of the investigation, the Board shall either sustain the alleged violation or dismiss the complaint.

Neither the formal rules of evidence nor the formal rules of procedure apply to these investigations. Although the timeframes set forth herein are aspirational rather than mandatory, they should be adhered to as nearly as possible given the circumstances of each case. *(Adopted February 2010 Annual Meeting)*

AMENDED

*****Section 2a, All Infractions Enforcement:** Upon receipt of information leading to a reasonable belief that one of the FPHA rules or covenants may have been violated, the Board shall undertake an information investigation. If this informal investigation leads to a reasonable belief that a rule or covenant has in fact been violated, the Board shall send notice of the alleged violation to the homeowner. The homeowner shall have ten (10) days from the date of the notice of the alleged violation to file a written protest with the Board. The Board will have thirty (30)

days to conduct a formal investigation during which time the homeowner may present evidence on his/her behalf. At the conclusion of the investigation, the Board shall either sustain the alleged violation or dismiss the complaint. **The Board will go to the courts if the infraction is not resolved to the approval of the Board.**

The Annual Dues collection process can be found in the document located [HERE](#).

(Adopted February 2020 Annual Meeting)

ARTICLE 27: Resale of Properties

All Homeowners MUST obtain a resale Certificate from the board prior to the sale of property. This will advise any new homeowner of outstanding Assessments /Dues and Liens against the property

(Adopted February 2021 Annual Meeting)

ARTICLE 28: Lawyer Fees and Legal Fees Recovery Judgements

FPHA is entitled to collect all attorney fees from the homeowner that is involved in any **Delinquencies, Non-Payment, Servitude, Foreclosure, Collections** or any other matter which may arise, that would require FPHA to seek council through any attorney.

(Adopted February 2020 Annual Meeting)

References:

- May 1992, Annual Meeting
 - Article 15, Section 1, Leash Law - Adopted
- May 1993, Annual Meeting
 - Article 1, Section 6, Fiscal Year – amended changed... from 1st day of July and end on the 30th day of June
 - Article 4, Section 2, Voting Privilege - Adopted
 - Article 7, Section 1, Time - amended changed...from 1st Sunday in May
 - Article 15, Section 1, Leash Law Requirements - amended added language...domestic animals...
 - Article 17, Section 1a, Streets/Parking - Adopted
- February 1996, Annual Meeting

- Article 10, Section J - amended changed...exceeding \$500
 - Article 18, Section 3, Recreational Vehicle (RV) - Adopted
 - Article 21, Section 2, Foliage Maintenance - Adopted
 - July 1996, Special Meeting Article 17, Section 3, Street Maintenance – Adopted

- February 2005, Annual Meeting
 - Article 17, Section 4, Speed Limit - Amended changed...from twenty-five (25)

- February 2007, Annual Meeting
 - Article 3, Section 2A, Past Dues – Adopted

- February 2010, Annual Meeting
 - Article 15, Section 2, Damage to Common Area - Adopted
 - Article 16, Section 1, Building Materials Storage - Adopted
 - Article 17, Streets/Parking, Section 2, Winter Parking - Adopted
 - Article 18, Automobile/Vehicle, Section 1, Yards; Section 2, Commercial Vehicles – Adopted
 - Article 18, Section 6 Vehicle Repairs - Adopted
 - Article 19, Section 1, Recreational Equipment - Adopted
 - Article 20, Section 1, Drainage Mechanisms - Adopted
 - Article 21, Yards and Open Spaces, Section 1, and Weeds - Adopted
 - Article 22, Holiday Decorations, Section 1 - Adopted
 - Article 25, Section 1, Fines; Section 2, Enforcement – Adopted
 - Article 25, Section 1 Fines and Enforcement revised - Adopted
 - Article 26, Procedures for Enforcement – Adopted
 - Article 27, Resale Certificate – Adopted
 - Article 28, Lawyer Fees and Any Legal Fees Recovery