



# FOREST CREEK

HOMEOWNERS ASSOCIATION · TROY, MICHIGAN

## FIRST AMENDMENT OF THE BYLAWS OF THE FOREST CREEK HOMEOWNERS ASSOCIATION

### ARTICLE I - PREFACE

This is the first amended edition of the bylaws. It reflects the proposals approved by formal vote of the homeowners during 1987; specifically Article III - Section 4, Article XIV - Section 3, and Article V - Sections 1 and 2. Article IX and X have been approved by vote and added, giving guidelines to all committees and purposes to each individual committee. Other changes are the elimination of corporate materials relevant only to the first Board of Directors, plus reorganizing and clarification of wording, with no change of intent or interpretation. The original bylaws are on record and available from the secretary of the Board of Directors.

### ARTICLE II - CONTENTS

<u>Article</u>	<u>Title</u>	<u>Page</u>
I	Preface	1
II	Contents and Definitions	2
III	Meetings of Association Members	2
IV	Nomination and Election of Directors	3
V	Board Membership	3
VI	Meetings of Directors	3
VII	Powers and Duties of the Board	3
VIII	Officers and Their Duties	4
IX	Committees	5
X	Specific Committees:	
	Section 1 - Bylaw	7
	Section 2 - Architectural Control	8
	Section 3 - Lake	8
	Section 4 - Landscape	9
	Section 5 - School Advisory	9
	Section 6 - Special Functions	9
	Section 7 - Nominating	10
	Section 8 - Fan-out	10
XI	Books and Records	10
XII	Assessments	10
XIII	Corporate Seal	11
XIV	Miscellaneous	11

## **ARTICLE II - DEFINITIONS**

**SECTION 1.** "Association" shall mean and refer to Forest Creek Homeowners Association, its successors or assignors. The principal office of the Association shall be located at the home, or place of choice, of the Recording Secretary of the Board of Directors.

**SECTION 2.** "Declaration" shall mean and refer to the Restrictive Covenants applicable to Forest Creek Subdivision in its various phases, as recorded in the Office of the Register of Deeds, Oakland County, Michigan.

**SECTION 3.** "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Property.

**SECTION 4.** "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

**SECTION 5.** "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

**SECTION 6.** "Property" shall mean and refer to that certain real property described in the Declaration, and such additions as may be brought within the jurisdiction of the Association.

## **ARTICLE III - MEETING OF ASSOCIATION MEMBERS**

**SECTION 1. Annual Meetings.** Regular annual meetings of the members shall be held in May within Oakland County, Michigan, at a place designated by the Board of Directors.

**SECTION 2. Special Meetings.** Special meetings of the members may be called at any time by the president or by the Board of Directors, or upon written request of the members entitled to vote one-fourth (1/4) of all of the votes of the membership.

**SECTION 3. Notice of meetings.** Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meetings, by mailing a copy of such notice, postage prepaid, at least 15 days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting. This mailing shall also include notice of any issue which will be voted at the meeting.

**SECTION 4. Quorum.** The presence at the meeting of members entitled to cast, or of written proxies entitled to cast, sixty-six and two-thirds (66 2/3) of the votes of the membership shall constitute a quorum for any action. If a quorum shall not be present at any meeting (or represented by written proxy) and a specific issue has been included on the agenda for a vote, it shall be verified that all members were given ample opportunity to cast their vote on that issue. Upon verification, the outcome shall be based on the votes received. Any vote not cast shall be considered "abstained" and will not affect the outcome. "Ample opportunity" explicitly requires that no individual issue may be formally voted on without a fifteen (15) day written notification to all entitled voters, including an announcement of when the issue will be put to a vote. Verification will be stated by the President of the Board of Directors prior to the vote being taken. This will apply to all future proposals, by-law revisions, and elections. The proposal or revision receiving the majority of votes shall be approved, and/or the candidate(s) receiving the majority of votes shall be elected.

**SECTION 5. Proxies.** At all meetings of members, each member may vote in person or by written proxy and shall be entitled to one vote per lot. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his or her Lot.

**SECTION 6. Membership and Voting Rights.** The Association shall have one class of voting membership consisting of all Owners. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

## **ARTICLE IV - NOMINATION AND ELECTION OF DIRECTORS**

**SECTION 1. Nomination.** Nomination for election to the Board of Directors shall be made by a Nominating Committee or from the floor at the Homeowners' meetings. The Nominating Committee shall make as many nominations as it shall in its discretion determine, but not less than the number of vacancies that are to be filled, in order to maintain a Board of seven Directors. All nominees must be members in good standing. Nominations may be made from members or non-members.

**SECTION 2. Election of the Board.** A special meeting shall be called annually on the second Thursday of September in order to elect the new Board Members. Election shall be by secret written ballot. The members, or their written proxies, may cast one vote for each vacancy being filled in order to maintain a seven member Board. Cumulative voting is not permitted, (i.e. if there exists three vacancies, one member may not place three votes for one nominee.) The person(s) receiving the largest number of votes shall be elected in as Board Members-at-large.

## **ARTICLE V - BOARD MEMBERSHIP**

**SECTION 1. Number.** The affairs of this Association shall be managed by a Board of seven (7) Directors, who must be members of the Association in good standing.

**SECTION 2. Term of Board Membership.** Directors shall serve terms of two years, either as Board Members-at-large or as officers of the Board.

**SECTION 3. Removal.** Any Director may be removed from the Board, with cause, by a majority vote of the members of the Association (see Article III - Section 4). In the event of the death, resignation or removal of a director, his or her successor shall be selected by the remaining members of the Board and shall serve for the un-expired term of his or her predecessor. The replacement must be a current member of the Association who is in good standing.

**SECTION 4. Compensation.** No director shall receive compensation for any service he or she may render to the Association. However, any Director may be reimbursed for his/her actual expenses incurred in the performance of his or her duties.

## **ARTICLE VI - MEETINGS OF DIRECTORS**

**SECTION 1. Regular Meetings.** Regular meetings of the Board of Directors may be held monthly without notice, but shall take place at least annually at such place and hour as may be fixed from time to time by resolution of the Board.

**SECTION 2. Special Meetings.** Special meetings of the Board of Directors shall be held when called by the president of the Association or by any three directors, after not less than three (3) days notice to each director.

**SECTION 3. Action Taken Without a Meeting.** The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effects as that taken at a meeting of the directors.

**SECTION 4. Quorum.** A majority of the number of directors shall constitute a quorum for the transaction of board meeting business. Every act or decision done or made by a majority of the directors present at a duly held Board of Directors meeting (at which a quorum is present) shall be regarded as the act of the Board.

## **ARTICLE VII - POWERS AND DUTIES OF THE BOARD**

**SECTION 1. Powers.** The Board of Directors shall have power to: (a) Adopt and publish rules and regulations governing the use of the Subdivision's facilities, if any, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;

(b) Suspend the voting rights and right to use of the recreational facilities, if any, of a member during any period in which such member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed 60 days for infraction of published rules and regulations;

- (c) Exercise for the Association all powers, duties, and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration;
- (d) Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors; and
- (e) Employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

**SECTION 2. Duties.** It shall be the duty of the Board of Directors to:

- (a) Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the members who are entitled to vote;
- (b) Supervise all officers, agents, and employees of this Association, and see that their duties are properly performed.
- (c) Procure and maintain adequate officers' and directors' liability insurance, if available;
- (d) As more fully provided in Article XII to:
  - (1) Fix the amount of the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period. The annual due date is the 1st day of April.
  - (2) Send written notice of each assessment to every owner subject thereto at least thirty (30) days in advance of each annual assessment period.
  - (3) Foreclose the lien against any property for which assessments are not paid within thirty (30) days after the April 1st due date or to bring an action at law against the owner personally obligated to pay the same.
- (e) Issue or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;
- (f) Procure and maintain adequate liability and hazard insurance on property owned by the Association;
- (g) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate.
- (h) Set the terms and conditions of use by the members of the facilities, if any.

## **ARTICLE VIII - OFFICERS AND THEIR DUTIES**

**SECTION 1. Officers of the Board.** The officers of this Board shall be a president, a vice president, a secretary, a treasurer and such other officers as the Board may, from time to time, by resolution create.

**SECTION 2. Special Appointments.** The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such -period, have such authority, and perform such duties as the Board may, from time to time, determine.

**SECTION 3. Election of Officers.** The officers shall be elected by the Board from amongst those nominees voted in as Members-at-large at the annual Homeowners' election meeting. This election of officers shall take place at the first meeting of the newly elected Board.

**SECTION 4. Term of Office.** The office shall be held for one year unless he or she shall sooner resign, be removed, or otherwise become disqualified to serve that office. An officer may be voted in for a consecutive term in the same office, if that be the vote of the Directors.

SECTION 5. Resignation. Any officer may resign at any time by giving written notice to the President of the Board. 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. Any officer may be removed from that office with or without cause by the Board. Removal from office does not necessarily mean removal from the Board, as the removed officer could remain a member-at-large. The replacement for the vacated office will be appointed by the Board and will serve for the remainder of the one year term. In the event of the removed officer also being removed from the Board, the vacant seat on the Board will be filled as described in Article V -Section 3.

SECTION 7. Multiple Offices. The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices, except in the case of special offices created pursuant to Section 2 of this Article.

SECTION 8. Duties. The duties of the officers are as follows:

PRESIDENT - The president shall preside at all meetings of the Board of Directors, shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments; and shall co-sign all checks and promissory notes of the Association. The President shall prepare and submit to the members at each annual meeting an annual report of the affairs of the Association.

VICE PRESIDENT - The vice president shall act in the place and stead of the president in the event of his/her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him/her by the Board.

SECRETARY - The secretary shall record all votes and proceedings, keep the minutes of all meetings of the Board and of the association, keep the corporate seal of the Association and affix it as required, serve notice of meetings of the Board and of the members, keep current records showing the names and addresses of Association members, and perform such other duties as required by the Board.

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 by a public accountant 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 and deliver a copy of each to the members.

## **ARTICLE IX - COMMITTEES**

SECTION 1. Purpose. The purpose of Articles IX and X is to provide guidelines to ensure a standard format of organization within our various committees and to provide a vehicle through which an individual can join a committee at any time and be able to quickly learn its responsibilities, purpose, history and current issues.

SECTION 2. Committees. Committees are created by the Board of Directors as deemed appropriate to carry out its business. The committees are then manned on a voluntary basis. During Association meetings, requests for formation of new committees may be voiced by the Board, and volunteers solicited thereat. Any member of the Association is eligible for membership on any committee. The only requisites for committee membership is that their household be current on association fees and has no current violations under those specific sections of the restrictive covenants or bylaws for which that committee has responsibility. In the event of an existing committee seeking additional members or the replacement of resigning members volunteers may be solicited in the Forest Creek Newsletters, at the subsequent Association meetings, or in any other way deemed necessary by the committee members.

SECTION 3. Compensation. No committee member shall receive compensation from Association funds for any service rendered as a committee member. However, actual expenses incurred in the performance of committee activities may be reimbursed from the Association funds at the discretion of the Board of Directors.

SECTION 4. Reimbursement of Expenses. Each committee shall create a written annual budget for approval at the May meeting of the Board. In the event of further expenses arising once the budget is accepted, the Board must approve disbursement prior to the expense being incurred. Unexpected costs already paid may be reimbursed at the discretion of the Board. However, the Board is not required to reimburse these amounts (should they deem them extreme or contrary to the intent of the committee) and is in no way obligated to approve disbursement simply because prior notification of an anticipated expense has occurred.

SECTION 5. Committee Meetings. The Board shall retain the option to specify a minimum number of meetings for each Committee. Such determination will be based on the level of activities designated for each Committee.

SECTION 6. Progress Reports. Each Committee shall prepare a brief written report reviewing the activities accomplished, those still in progress, and future projects for presentation at the annual Association meeting. This will assist the president of the Board in the reporting on the affairs to the Association, as required in these bylaws in Section 8 of Article VIII. Presentation will be made by the chairperson or designee of the committee.

SECTION 7. Chairperson and Duties. Each committee requires a chairperson. The office of chairperson will be filled by a volunteer from the membership of the committee. In the event that there is more than one volunteer, the committee shall conduct an election at their first meeting. If there is no volunteer, the president shall appoint a chairperson from the existing roster of the committee.

The duties of the committee chairperson are as follows:

- a. To write an agenda prior to each meeting, thus ensuring that key points are discussed.
- b. To facilitate the meeting, thus ensuring that the agenda is followed.
- c. To make note of important issues not on the agenda but arising from discussions, to include those issues on future meeting agendas or to return to them if time allows at the end of the meeting.
- d. To include on the agenda any agenda item not completed at the previous meeting.
- e. To appoint a secretary if no volunteer has stepped forward at the first meeting of the committee.
- f. To call the meeting to order punctually, to set a time limit for the meetings (announced at meeting start), and to adjourn the meeting at the predetermined time or make a motion for extension if necessary.
- g. To summarize at the close of each meeting, the specific tasks each member has been assigned and the issues which are to be covered at the next meeting.
- h. To ensure that the time and location of the next meeting is determined.
- i. To deliver to the Board a copy of the approved minutes for review at their meetings.
- j. To deliver to the Board a roster of committee members, including a designation of offices held.
- k. To call for a vote regarding dismissal of any member not regularly attending committee meetings (per Section 10 of this article).
- l. To report to the Association as described in Section 6 of this article.

SECTION 8. Secretary and Duties. Each committee requires a secretary. This position will be filled by a volunteer from within the committee. In the event of no member willing to volunteer, the committee chairperson shall appoint a secretary. Should more than one person volunteer, the committee shall conduct a vote. The office of secretary must be filled as a first point of business at the first committee meeting.

Following are the duties of a committee secretary:

- a. To record the votes, take notes during the meetings, and create typewritten minutes prior to the next meeting. These must be written clearly enough so that any person not having attended the meeting could follow the proceedings.
- b. To review (at subsequent meetings) the minutes of the previous meeting and to make note of any revisions discussed or to have the minutes approved as written.
- c. To include in the minutes a "new business section, and to therein mention important issues raised but not settled during the previous meeting (see section 7C of this Article).
- d. To include in the minutes a list of members in attendance at each meeting.
- e. To maintain an organized notebook of materials relevant to the past activities of the committee for the purpose of informing future members of the group's history and intent. This shall include all meeting minutes, annual reports, and any other relevant materials collected by the committee. These Bylaws must always be included in this notebook.

- f. To maintain a roster of committee members, with current addresses and phone numbers.
- g. To compose an annual report as described in Section 6 of this Article.

**SECTION 9. Additional Officers.** Additional officers may be elected by the committee as needs arise. The terms of office, authority, and duties shall be variable, but defined by the committee, at the onset of the office.

**SECTION 10. Attendance.** In order to ensure productivity as a committee member and maintain a current knowledge of committee activities, it is essential that each member attend all committee meetings. Any member missing three consecutive meetings may be dismissed from the committee as described in Section 11 of this Article. Provisions should be made for extenuating circumstances such as vacations, illness, etc. Perhaps subs could be used.

**SECTION 11. Dismissal.** Any officer or committee member may be dismissed from the group by majority vote of the committee members. Reasons for calling for a vote regarding possible dismissal shall include:

- a. Consecutively missing three scheduled meetings,
- b. Conflict of interest which is determined to hamper his/her performance within the committee,
- c. Neglect of responsibilities accepted as a committee member or officer.

NOTE: An officer may be dismissed from office yet remain a committee member dependent upon the vote of the members.

**SECTION 12. Resignation.** Any committee member may resign at any time by giving written notice to the committee chairperson. In the event of the member holding a committee office (such a. chairman or secretary) or having a specific committee project which is incomplete, the notice shall include the named replacement for the office or shall state provisions for the completion of the project.

**SECTION 13. Disbandment.** In each report to the Board the committee has the opportunity to request a disbandment. This would be done when the committee has completed the project of its intent or when all members have resigned and there exists inadequate interest within the Association to find new volunteers.

In that committees are formed by the Board as deemed appropriate in the carrying out of it. business, it remains the Board's decision as to whether they shall publicly announce the committee as disbanded or shall take the opportunity (at the Association meeting) to arouse enthusiasm and solicit new volunteers.

## **ARTICLE X - SPECIFIC COMMITTEES**

The following committees have been permanently established, per Section 2 of Article IX:

### **SECTION 1. Bylaw Committee.**

**Purpose** - To achieve a thorough understanding and working knowledge of the Association Bylaws, Covenants and Articles of Incorporation and to make any amendments to the Bylaws deemed necessary to maintain standards of quality and uniformity in the Forest Creek Subdivision.

**Responsibilities:** To make all existing and future Homeowners aware of the regulations and guidelines governing the activities of Forest Creek residents.

To ensure that the responsibilities and actions of all Committees of the Association are within the limits set forth in the Covenants, Bylaws and Articles of Incorporation.

Homeowners of the Association or the Board of Directors may recommend changes, revisions, additions, or amendments to the Bylaws. The proposal must be submitted in writing to a Bylaw Committee Member. The Committee will put the proposed action to a vote at the next quarterly Homeowner's Association meeting (per Section 5 of Article III).

**Guidelines:** The Committee shall function per the Guidelines for Committees. Article IX of the Bylaws.

SECTION 2. Architectural Control Committee.

Purpose/Responsibilities: The Architectural Control Committee has responsibility to administer and recommend enforcement of Sections 2 through 6. (excluding 6E) of the restrictive covenants; to promote proper use and appropriate development and improvement of the Subdivision; to protect the owners of the Property therein against such improper use of surrounding Lots as may depreciate the value of their property; to guard against the erection thereon of buildings built of improper or unsuitable materials; to promote adequate and reasonable development of said Property; to encourage the erection of attractive improvements thereon with appropriate locations thereof; to prevent haphazard and inharmonious improvements; to secure and maintain proper setbacks from streets and adequate free spaces between structures; and, in general, to provide adequately for a residential subdivision of the highest quality and character with the help of a written set of guidelines which shall be made available to all homeowners.

Guidelines: The Architectural Control Committee will consist of no less than three members of which two-thirds (2/3) must approve all plans and submissions consistent with the Restrictive Covenants prior to any construction, alterations, or modifications to the exterior of any residential dwelling. It is the responsibility of each homeowner to advise and submit to the Architectural Control Committee copies of all plans, drawings, or specifications for any proposed construction, alteration, or modification to the exterior of the homeowner's dwelling.

Plans, drawings, or specifications shall be submitted to the Architectural Control Committee no less than thirty (30) days prior to commencing constructions in order to allow the Architectural Control Committee to fulfill its requirements under Section 3(d) of the Restrictive Covenants.

Should the homeowner fail to submit such information required, the Architectural Control Committee shall issue formal written notification to the homeowner to fulfill the requirements of the Restrictive Covenants.

If a Homeowner fails to comply within ten (10) days after receiving written notification from the Architectural Control Committee, the Architectural Control Committee will have the responsibility to refer this issue to the Board of Directors. The Board of Directors will then be responsible for enforcement of this violation.

Should the Architectural Control Committee disapprove any submitted plans, the homeowner shall have the right to appeal such decision to the Board of Directors at its next regularly scheduled meeting.

Neither the Architectural Control Committee nor the Board of Directors shall have the right to grant deviations which are not specifically allowed under the Restrictive Covenants.

The Architectural Control Committee shall function per the "General Guidelines for Committees n Article IX of Bylaws.

SECTION 3. Lake Committee.

Purpose/Responsibilities: The Lake Committee has the responsibility to administer and recommend enforcement of the established Restrictive Covenant Agreement. The lake Committee will be subject to Section 7 of the Restrictive Covenants as summarized below:

The residents of all phases of the Subdivision and their invited guests may have access to the lake/storm water retention facilities in this Subdivision. Such access shall be only as specifically designated in writing by the Development Company. Any lots specifically designated as areas for recreational purposes may have a fence and tool or storage shed; provided prior approval of the plans and specifications be granted by the Architectural Control Committee. The use of any recreational areas shall be subject to the following rules and prohibitions:

- (1) To permit fishing at all reasonable times on the lakes.
- (2) There shall be no motor powered craft of any type permitted on the lakes; canoes, sailboats and other small craft, not to exceed fourteen (14) feet in length, will be permitted. There shall be no docks, boathouses or swimming rafts of any type anchored on the lakes or constructed on any lot in the Subdivision. There shall be no channels cut or any alteration of existing shoreline. All shorelines designated as common areas reserved for recreational purposes must be seeded or sodded to prevent erosion of lands. There shall be no pumping of water for any use from the lakes and no discharge of any waste or other substance into said lakes. No boats, canoes, rafts or other floating conveyances shall be kept (or maintained for the purpose of hire) on the lakes.
- (3) No picnicking, cooking, or grilling shall be permitted on any of the lots designated for recreational use.
- 4) The Lake Committee may adopt such other reasonable uses and restrictions regarding the recreational lots as it may deem to be necessary in the interests of a high-quality residential community.

The Lake Committee shall also be responsible for recommending liability insurance, maintaining and improving lake/storm retention basins. The basic landscaping and maintenance will be the sole responsibility of the Landscaping Committee including seeding and sodding of the recreational lots down to the waterline. The Lake Committee shall also inform the Board of any known or potential violations of the Restrictive Covenants. The Board of Directors will then be responsible for enforcement of any such violation.

GUIDELINES: The Lake Committee may request the Landscaping Committee to landscape a particular area they deem necessary. In case of any conflict between the Lake Committee and the Landscaping Committee with reference to landscaping an area, the Landscaping Committee shall control.

Any future lake/storm retention basins incorporated into the subdivision shall be the responsibility of the Lake Committee and managed per the above procedures.

The Lake Committee shall function per Article IX of the Bylaws.

#### SECTION 4. Landscape Committee.

Purpose: To provide for the maintenance and beautification for the entrances and all common areas of Forest Creek Subdivision.

Responsibilities: To plan and implement the maintenance and beautification of Forest Creek Subdivision's entrances and common areas. Cul-de-sacs are the responsibility of the homeowners living on the lots surrounding the island, as defined by the development agreement between the City of Troy and the homeowner on these lots.

Guidelines: The Landscape Committee must submit a yearly budget to the Board. Any bills incurred by this committee must be submitted to the Board. The Board will be responsible for payment of these bills. A record of all expenses must be kept (receipts, vouchers, etc.). The Committee shall function per the Article IX of the Bylaws.

#### SECTION 5. School Advisory Committee.

Purpose: To act as a liaison between the Association and the Avondale School District in order to achieve and maintain a quality educational environment. To make the School Board aware of our continued interest and involvement in the policies and activities of the Avondale School District.

Responsibilities: To have a committee representative present at all School Board meetings and PTA meetings.  
To make residents aware of School Board activities and secure support from homeowners as needed.  
To join forces with the Association of our immediate neighboring subdivisions on matters of critical importance.  
To present to the School Board the collective opinion of Forest Creek residents on matters of special interest.  
To develop a working relationship with the Staff and Administration of all Avondale Schools.

Guidelines: The Committee shall function per Article IX of the Bylaws.

#### SECTION 6. Special Functions Committee.

Purpose: To facilitate a greater sense of community spirit and provide social experiences for the residents of Forest Creek Subdivision so that they can become better acquainted.

Guidelines: The Committee shall function per Article IX of the Bylaws. Three separate functions of the Committee shall be:

##### 1. Social Events

###### Guidelines

The Committee shall organize various events of interest to the residents. Ideas for these events could come from resident requests or "bright ideas" of the Committee (i.e., block parties, road rallies, hayrides, Christmas caroling, Easter egg hunts, etc.). Participation in these activities must be open to all Association members in order to request finances from Association funds.

###### Responsibilities

To plan and implement these activities, notify residents about the activities, and submit a budget for each event based on expected participation.

## Garage Sales

### Guidelines

The Committee shall give the residents of Forest Creek an opportunity to combine resources to advertise and promote a coordinated garage sale(s) rather than many smaller sales. The Committee shall recruit participants from all Association members, determine a time when most could be involved, then make it known to the subdivision and the local communities. Each participant will retain the profits of his/her sale. In that this is primarily a profit-making venture, the costs shall be equally divided among the participants.

### Responsibilities

The responsibilities would include advertising, listing of items available for sale at each home, marking and distributing maps of the homes involved in the sale, collecting the fees from the participants, and obtaining a license or permit, if required by the City of Troy.

## 2. Welcoming Functions

### Guidelines

The committee shall send a representative to meet new homeowners as they move into formerly occupied or newly constructed homes. They shall be welcomed to the Association and invited to share in Forest Creek Subdivision activities.

### Responsibilities

- 1) To present the new homeowner with a copy of the Homeowner Directory, including a map of all lots.
- 2) To record the new name, address and phone number and to pass this information on to the Phone Fan-Out Committee chairperson (for inclusion in fan-outs and in the next edition of the Directory).
- 3) To pass the new name on to the newsletter editor for a written welcome in the next newsletter.
- 4) To ensure that the new homeowner has received a copy of the Bylaws and Restrictive Covenants of the subdivision.

## SECTION 7. Nominating Committee.

Purpose/Responsibilities: To solicit nominees for the annual election to the Board of Directors (to be voted in as new members-at-large) and to ensure that persons nominated by others are interested in running. To distribute a list of nominees with information pertinent for each (statement of intent to run, qualifications, campaign issues, etc. as stated by the nominee). This should be distributed to all homeowners at least two weeks prior to the election. The committee is also responsible for the preparation, distribution and tabulation of ballots. Guidelines: The Committee shall be appointed by the Board prior to the annual March homeowners meeting and shall be announced at that meeting. (At that time, additional members may be solicited and a request for nominees may be made.) The Committee's term shall end at the following September election meeting. The Committee shall consist of a chairman (a member of the current Board of Directors) and two or more members of the Association. The Committee shall function per Article IX of these Bylaws.

## SECTION 8. Fan Out Committee.

Purpose: To provide a means of communication for the residents of Forest Creek Subdivision as deemed necessary by the Board of Directors.

Responsibilities: To plan and implement a telephone fan-out as deemed necessary by the Board of Directors of Forest Creek Homeowners Association.

Guidelines: The Fan-Out Committee should maintain an updated phone directory of all members of the Forest Creek Association.

The Committee shall function per Article IX of the Bylaws.

## **ARTICLE XI - BOOKS AND RECORDS**

The books and records of the Association will be maintained in accordance with generally accepted accounting principles. All reserve funds shall be segregated in separate reserve accounts and shall not be used for operating purposes. The books, records and papers of the Association shall at all times, during reasonable business hours, be available for inspection by any member. The Declaration, the Articles of Incorporation and the Bylaws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost; (The principal office being located as defined in Article II -Section 1).

## **ARTICLE XII - ASSESSMENTS**

As more fully provided in the Declaration, each member is obligated to pay to the Association annual and special assessments established by the Board. These assessments are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due, shall be delinquent. The annual due date is the 1st day of April. If the assessment is not paid within thirty (30) days after the due date, a \$10.00 late charge shall be assessed and the assessment shall bear interest from the date of delinquency at the rate of seven percent (7%) per annum. The Association may bring legal action against the owner or foreclose the lien against the property. Interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No owner may waiver or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his or her lot.

## **ARTICLE XIII - CORPORATE SEAL**

The Association shall have a seal in circular form having within its circumference the words Forest Creek Homeowners Association - Michigan Nonprofit Corporation.

## **ARTICLE XIV - MISCELLANEOUS**

**SECTION 1.** These bylaws may be amended, at a regular or special meeting of the members, by a majority vote of members present in person or by proxy (See Article III - Section 4).

**SECTION 2.** In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

**SECTION 3.** All business proceedings of the Association, shall be governed by Robert's Rules of Order.

**SECTION 4.** The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year.

**SECTION 5.** In witness of this first amended edition, we have heretofore set our hands this 14th day of July 1988.

Ed Allman - President  
Board of Directors

Bill Bourque - Chairman  
Bylaw Committee