

SPRING GAP MOUNTAIN PROPERTY OWNERS ASSOCIATION

ARTICLE I  
NAME AND PURPOSE OF ASSOCIATION

**Section 1.** The name of this association shall be "Spring Gap Mountain Property Owners Association." In these by-laws it will be referred to as "the Association."

**Section 2.** The purpose of the Association is to provide for maintenance, repair and improvements of the private roads and rights-of-way and such other matters as security and other restrictions as may be of mutual interest to property owners in the Spring Gap Mountain Sub-Division in the Bloomery District, Hampshire County, West Virginia.

**Section 3.** The fiscal year of the Association shall be the same as the calendar year.

**Section 4.** Excepting as otherwise prescribed in these by-laws, Roberts Rules of Order shall be the authority of this Association on all questions of parliamentary procedure.'

ARTICLE II  
MEMBERSHIP

**Section 1.** Regular membership in the Association shall consist of those property owners owning lots in the Spring Gap Mountain Sub-Division in Bloomery District, Hampshire County, West Virginia, who are subject to the payment of \$150.00 per annum per lot. (Road Maintenance)

**Section 2.** Associate members in the Association shall consist of those persons having common interest with those of the regular members in matters other than road maintenance as determined by the Executive Board and who have paid the required dues as prescribed in Article VII of these by-laws. This section includes interested owners of property adjacent to the Spring Gap Mountain Sub-Division.

**Section 3.** Each member liable to road maintenance assessments as the protective covenants, restrictions, and easements may provide shall not transfer membership in the Association until such dues are paid in full to the Treasurer. On transfer or sale of a lot, the prior owners' membership in the Association shall cease.

ARTICLE III  
OFFICERS

**Section 1.** The elected officers of the Association shall consist of a President, a Vice President, a Secretary, and a Treasurer.

**Section 2.** All said officers are to be elected at the Association's annual meeting as appropriate for elections for a two-year term. No officer shall serve for more than two consecutive terms.

**Section 3.** It shall be the duty of the President to call all meetings and preside at all meetings of the Association and of the Executive Board and perform such other duties as are usually incident to the office of President. The President or the Vice President shall be a member of all committees acting in an advisory capacity. The immediate Past President, upon election of his/her successor, shall become Advisor-Trustee, a member of the Executive Board. Full voting privileges shall be accorded this office for business of the Executive Board.

**Section 4.** The Vice President shall exercise all the powers of the President whenever the latter is absent or incapacitated. In addition, he or she is a member of the Executive Board and shall perform such duties as the President may direct.

**Section 5.** It shall be the duty of the Secretary:

(a) To give due notice of all meetings of the Association and of the Executive Board of which he or she is a member.

(b) To attend the meetings of the Association and the Executive Board and to keep a true record of the proceedings of all such meetings.

(c) To perform all other duties usually incident to this office or as may be assigned by the Board.

**Section 6.** It shall be the duty of the Treasurer to receive and disburse all monies for the general accounts of the Association, to keep proper books of account, and to deposit all general monies in a bank approved by the Executive Board. He or she is a member of the Executive Board and shall render to its current financial reports and, in addition, shall render financial reports at the annual membership meeting. There shall be but one general Treasurer.

**Section 7.** All checks of the Association shall be signed by the Treasurer, President, or Secretary.

**Section 8.** In the event of a vacancy occurring in any office other than President of the Association, the remaining members of the Executive Board shall fill the vacancy for the unexpired term.

ARTICLE IV  
MEETINGS

**Section 1.** The annual meeting of the Association membership shall be held on a Saturday in October of each year at a location to be determined by the Executive Board but within 30 miles of the Spring Gap Mountain Sub-Division.

**Section 2.** Special meetings shall be called by the President upon request of eligible members holding 20 votes (Article V) or upon request of three members of the Executive Board.

**Section 3.** Membership shall be notified by the Secretary in writing at least 21 days prior to any special meeting. Specific reason or reasons for the meeting will be given in the notice.

**Section 4.** A quorum shall consist of 18 or more eligible members (Article V). Two-thirds of the quorum present shall carry the motion.

ARTICLE V  
VOTING ELIGIBILITY

**Section 1.** In matters concerning road maintenance, upgrading, and use of such funds, the owners are entitled to have the number of votes equal to the purchased number of lots whose fees shall be currently paid before beginning of voting on issues.

**Section 2.** In all elections and other votes pertaining to matters of the Association other than those described in Section 1, the vote shall be restricted to 1 vote regardless of the number of lots owned; or if multiple ownership of a lot or lots, the vote shall be restricted to 1 vote for the combined ownership.

**Section 3.** If lots have been deeded to a corporation or company or to an individual or individuals acting for such a corporation or company, by their name or otherwise, the above sections will still apply.

**Section 4.** The determination as to who will cast the entitled vote under Section 2 or multiple votes under Section 1 will be left to the registered owners. In case of irreconcilable differences, upon protest by the affected parties, fractional votes will be recognized.

**Section 5.** Written copies of proxies must be presented or addressed to the Secretary prior to beginning of voting on the issue for which the proxy is intended specifically or as a blanket proxy for all issues of the meeting. Proxies must be dated to concur with date of meeting being held and shall be acceptable only for that meeting. If a specific eligible voter is desired to represent proxy member, the name must be given. A member can only hold 5 proxies, others above this number addressed to him/her be given to eligible members--for the voting--on specified issues as designated. All proxy voting issues will also be recorded by the Secretary to ensure accuracy of the member's vote.

ARTICLE VI  
ELECTION OF OFFICERS

**Section 1.** Election of officers shall be by written ballot of eligible members present or represented by proxy at the annual meeting of the Association members.

**Section 2.** Nominating committee. The outgoing Executive Board shall act as the nominating committee and shall propose not less than 2 nor more than 4 candidates per office and shall prepare ballots including those nominees and provision for write-in candidates. The floor will be open for nominations for write-in candidates immediately prior to votes.

**Section 3.** The ballots cast shall be counted immediately following voting and vote determined by the Executive Board.

**Section 4.** Elected officers' terms are to commence upon conclusion of annual meeting. Outgoing officers will be available to assume a smooth transition.

ARTICLE VII  
DUES

**Section 1.** Membership dues are to be \$10.00 per year per general vote payable April 1, along with road maintenance and gypsy moth assessments.

**Section 2.** Assessments for any purpose which shall be deemed advisable for the advancement of the aims and purposes of the Association shall be by vote of the membership.

ARTICLE VIII  
GENERAL BUSINESS

**Section 1.** The 5 officers of the Association=President, Vice President, Secretary, Treasurer and immediate Past President, who shall be henceforth referred to as Advisor-Trustee, shall constitute the Executive Board and shall be responsible for conducting the normal business of the Association. They shall have the authority to collect, demand and sue for the annual assessment which each lot owner is required to pay under the terms of paragraph two of the protective covenants, restrictions and easements pertaining to the Sub-Division as the same is recorded in the Office of the Recorder of Deeds for Hampshire County, West Virginia. They shall also be responsible for securing road maintenance services and use of general funds for such other matters as may be authorized by votes of the membership.

**Section 2.** The Executive Board shall establish such regulations as may be necessary for the payment of the day-to-day expenses and shall be responsible for initiating a fund for petty cash. The President is authorized to pay from petty cash such ordinary and recurring items of expense as he/she may see fit subject to limitations imposed by the Executive Board.

**Section 3.** Accompanying the annual financial reports of the Treasurer shall be the Executive Board's proposed budget of receipts and expenditures for the balance of that calendar year and for the ensuing calendar year.

ARTICLE IX  
AMENDMENTS TO BY-LAWS

**Section 1.** These by-laws may be amended, altered, repealed, or added to by a three-fourths vote of the eligible membership.

**Section 2.** The Executive Board shall have, without prior vote, the authority to perform such duties for general administration of the Association as in accordance with Article III of the by-laws.

ARTICLE X  
SPECIAL

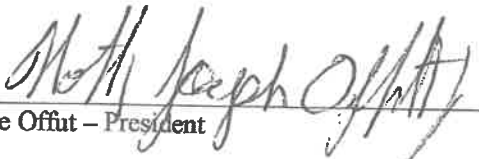
**Section 1.** All Association members and property owners agree to abide by the by-laws contained herein.

**Section 2.** All property owners regardless of status in the Association shall conform to all federal, state and county laws affecting the Spring Gap Mountain Sub-Division, particularly in matters of safety and sanitation.

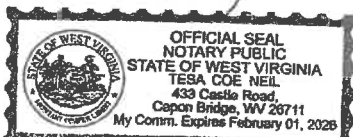
**Section 3.** No commercial ventures or such type of activity deemed in this category shall be permitted in the Spring Gap Mountain Sub-Division.

**Section 4.** No property owner may engage in any activity or commit an act which shall constitute a nuisance to other owners.

**Section 5.** The Executive Board and its appointed committees shall monitor adherence to restrictive covenants, federal, state, and county laws and by verbal contact or written notice inform violators of such regulations and laws. Further and consistent violations shall entail further action by the appropriate authorities.

  
Joe Offut - President

Nov. 22, 2022  
Date



Hampshire County  
Eric W. Strickland Clerk  
Instrument 222585  
12/12/2022 @ 02:19:40 AM  
COVENANTS & RESTRICTIONS  
Book 591 @ Page 435  
Pages Recorded 5  
Recording Cost \$12.  
21/12/2026