

**BY-LAWS
OF
MOUNTAIN
VIEW ESTATES
SUBDIVISION
ASSOCIATION**

**REVISED
JUNE 2017**

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OF
MOUNTAIN VIEW ESTATES SUBDIVISION ASSOCIATION

ARTICLE I

Definitions

Section 1: "Association" shall mean and refer to the MOUNTAIN VIEW ESTATES SUBDIVISION ASSOCIATION, a non-profit association organized and existing under the laws of the State of West Virginia.

Section 2: "Common Properties" shall mean and refer to streets and footways owned and maintained by the Association for common benefit and enjoyment of the members.

Section 3: "Owner " shall mean any person, combinations of persons, or entity holding title to a lot within the MOUNTAIN VIEW ESTATES SUBDIVISION, A plat of which said subdivision is of record in the Office of the Clerk of the County Commission of the Hampshire County, West Virginia, in Map Book 294, at page 110. If several persons of the entities hold partial interests in a single lot, they shall together comprise one "owner".

ARTICLE II

Location and Mailing Address

Section 1: The mailing address of the Association shall be:

MOUNTAIN VIEW ESTATES SUBDIVISION ASSOCIATION

P.O. BOX 242

CAPON BRIDGE WV 26711

The principal office of the Association, as distinct from its address, shall be the property within the MOUNTAIN VIEW ESTATES SUBDIVISION which is owned by whoever is serving as secretary of the organization at any particular time.

ARTICLE III

Membership

Section 1: Every person or entity who is a record owner of a fee or undivided fee interest in any lot in MOUNTAIN VIEW ESTATES SUBDIVISION shall be entitled to membership in the Association, provided that any such person or entity which holds such interest merely as security for the performance of an obligation shall not be a member.

Section 2: There shall be only one class of members and each member shall have one vote per lot. Memberships shall be limited to those "owners" of lots as hereinbefore defined.

Section 3: On transfer or sale of a lot, the prior owner's membership in the Association shall cease, and, any obligations or rights incident to membership shall devolve upon the new owner.

ARTICLE IV

ASSESSMENTS

Section 1: The rights of membership are also subject to the payment of special assessments which may be levied by the Board of Directors shall have the assent of thirty-five (35%) of the eligible membership.

Section 2: The quorum required for any action authorized under Section 1 hereof shall be thirty-five percent (35%) of the eligible membership who may be present in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members at least 30 days in advance and shall set forth the purpose of the meeting.

Section 3: The assessments levied by the association shall be used exclusively for the purpose of promoting the health, safety and welfare of the residents and other persons owning and using lots in Mountain View Estates Subdivision. Pursuant of the foregoing, the Association may use and employ assessments to provide repairs, improvements and maintenance of the common properties, repair and maintenance of streets and footways. The enumeration of specific uses herein, however, shall not be construed to limit the Association to the use of assessments for the purpose similar to the foregoing.

Section 4: The Board of Directors of the Association shall provide for written notice of the Road Fees and Assessments to be sent to every lot owner. The Association setting forth whether said Road Fees and Assessments has been paid. Such certificate shall be

conclusive evidence of payment of any Road Fees and Assessments there in stated to be paid.

Section 5: The membership rights of any person may be suspended by action of the Directors during the period when the Road Fees and Assessments remain unpaid, but upon payment of such Road Fees and Assessments, his right and privileges shall be automatically restored. If the directors have adopted and published rules and regulations governing the use of the common properties, and the personal conduct of any person thereon, as provided in Article IX, Section 1, they may, in discretion, suspend the rights of any person for violation of such rules and regulations for a period not to exceed thirty (30) days.

Section 6: June 2018 Road Fee of \$50.00 and Assessments of \$100.00 for a total of \$150.00 per lot are due on the first Saturday in June of every year. On the 2nd Saturday in June each year, will be the close of grace. After the 2nd Saturday in June a Late Fee of eighteen (18%) interest rate and Association processing fees will start to incur on unpaid balances.

ARTICLE V

Voting Rights

Section 1: Each member of the Association shall have one vote per lot owned.

Section 2: A member may vote either in person or by proxy.

ARTICLE VI

Property Rights/Restrictions and Rights of Enjoyment of Common Property

Section 1: (a) Each member, unless his membership rights are temporarily suspended pursuant to Article IV Section 5 shall be entitled to use the enjoyment of the common properties of the Association.

(b) **When the terrain of any driveway causes the runoff of rain or melting snow to affect the road and causes road damage**, culverts must be used in driveways leading from subdivisions roads and must be at least twelve (12) inches in diameter and nothing less than twenty (20) feet in length.

(c) No livestock, **poultry, or fowl** shall be allowed on any lots except house pets.

(d) All material used for exterior walls of dwellings or building shall be of Brick, Stone, Aluminum, **Vinyl**, Masonite, Redwood or Wood Siding. No composition asphalt siding or shingles shall be use. All roofs shall be at least 4 x 12 pitches.

ARTICLE VII

Association Purposes and Powers

Section 1: The Association has been organized for the following purposes:

(a) To manage the common grounds of the Mountain View Estates Subdivision and to act for its members on all matters of common concern.

(b) To do all things consistent with the above purpose, including but not limited to the following: to own, acquire, and sell real estate, to build, operate, and maintain streets and footways, to regulate activities by both members and nonmembers on the common properties, and to enter into legal obligations on behalf of its members.

(c) To enforce the covenants and By-Laws to the lots in this subdivision.

(d) To qualify for exemption for Federal Income Tax under Section 501 (c) (4) of the Internal Revenue Code of 1954 and from the State Income Taxes under the appropriate provisions of the West Virginia Code.

(e) To distribute its assets, upon dissolution to another organization recognized as exempt from Federal Income Taxes under 501 (c) (4) of the Internal Revenue Code of 1954 or corresponding parts of any later law.

ARTICLE VIII

Board of Directors

Section 1: (a) There shall be a minimum of 5 and maximum of 7 Directors of the Association, each of whom shall be elected by a majority vote of the members present at the annual meeting either in person or by proxy. All Directors shall be elected for a term of two years. New elections will be held annually on the second Saturday in June or at a special meeting called for that purpose.

(b) If a lot owner(s) of Mountain View Estates or Mountain View Estates Section II takes the Mountain View Estates Owners Association to Circuit Court or to a higher court and the lot owner(s) lose the case, the lot owner(s) will be financially responsible for the Association attorney fees and for all court costs.

Section 2: Vacancies in the Board of Directors shall be filled by a majority vote of remaining Directors, with a seconding of the nomination by another member required. Election shall be by a simple majority vote of the members present at the annual meeting either in person or by proxy.

Section 3: If a Board member misappropriates Mountain View Estates Owners Association fund or a Board member or lot owner(s) represents himself/herself as a Board member and interferes with the Association business or states something that is not in the Covenants and By-Laws of the Association, The Board member will be removed from the Board and cannot be nominated nor serve on the Board of Directors and the lot owner(s) cannot be nominated nor serve on the Board of Directors.

ARTICLE IX

Powers and Duties of the Board of Directors

Section 1: The Board of Directors shall have the power:

- (a) To call special meetings of the members whenever it deems necessary.
- (b) To appoint and remove officers and agents 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 in these By-Laws shall be construed to prohibit the employment of any member, director, or officer of the Association in any capacity whatsoever.
- (c) To adopt and publish rules and regulations governing the use of the common properties of the Association and the personal conduct of the members and their guests. All such rules and regulations shall immediately be distributed in person or by mail to members.
- (d) To establish, levy, and assess, and collect the assessments or charges referred to in Article IV.
- (e) To exercise for the Association all powers, duties and authority vested in or delegated to this Association, except those reserved to the meeting or to members.

Section 2: The Board of Directors shall have the duty:

- (a) To call a special meeting of members upon written request of a majority of the members of the Association.
- (b) To cause to be kept a complete record of all of its acts and corporate affairs and to present a statement to the members at the annual meeting and at every special meeting.
- (c) To supervise all officers and agents of the Association and to see that their duties are properly performed. To prepare a roster of the lots owned by members of the

Association Road Fees and Assessments levied against each member and paid by each member.

(d) To issue, or cause an appropriate officer to issue, upon demand of any person, a certificate setting forth whether any road fees, assessments have been paid and such certificate shall be conclusive evidence of payment.

ARTICLE X

Directors' Meetings

Section 1: The outgoing Board of Directors shall meet each year on the second Saturday in June earlier in the same day as the annual meeting of member on its activities of the year. The incoming Board of Directors shall meet later on that same day, after the annual meeting of members, to appoint/elect the Officers.

Section 2: Special meetings of the Board of Directors shall be held when called by any officer of the Association or by any two (2) directors after no less than three (3) days' notice to each director.

Section 3: The quorum for a meeting of the Board of Directors shall be three (3). A member of the Board of Directors may act either in person or by proxy.

ARTICLE XI

Officers

Section 1: The officers of the Association shall be a President, Vice-President, a Secretary and a Treasurer.

Section 2: The officers shall be chosen by majority vote of the Directors.

Section 3: 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.

Section 4: The Vice-President shall perform all of the duties of the President in his absence.

Section 5: The Secretary shall record all votes and keep the minutes of all proceedings in a book to be maintained for that purpose, shall sign all certificates of membership, shall record in special book the names and addresses of all the members of the Association and all the persons eligible to be members and shall keep all other records of the Association.

Section 6: The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse funds for disbursements made in the

ordinary course of business conducted. The Treasurer and an authorized signer shall sign all checks of the Association.

Section 7: The treasurer shall keep books on account, and he/she shall prepare an annual balance sheet statement, which shall be presented to the membership at its regular annual meeting.

ARTICLE XII

Committees

Section 1: The Board of Directors may appoint such standing and special committees as it may deem necessary. No action by a committee shall be final until ratified by the Board of Directors.

ARTICLE XIII

Meeting of Members

Section 1: The annual meeting of the membership shall be on the second Saturday in June at 10 a.m. to be held at a location determined and announced in the Annual meeting reminder letter.

Section 2: Special meetings of members shall be called by the President of the Board upon petition by half of the members. Special meetings shall be held at a location and a time and date chosen by the President of the Board.

Section 3: The Secretary shall give notice of all meetings to all members. Notice shall be given in writing at least fifteen (15) days prior to a meeting, either in person or through phone-email- or mail.

Section 4: At a meeting of the members, a quorum shall consist of thirty-five (35%) of the eligible members of the Association.

ARTICLE XIV

Proxies

Section 1: At the Annual meeting of members, each eligible member may vote in person or by proxy.

Section 2: All proxies shall be in writing and filed with the Secretary. No proxy shall extend beyond a period of eleven (11) months, and every proxy shall automatically cease upon sale by the member of his/her home or other interest in the properties.

ARTICLE XV

Books and Papers

Section 1: The books, records, and papers of the Association shall be available for inspection by any member at the annual meeting of the Association.

ARTICLE XVI

Corporate Seal

Section 1: The Association shall have a Seal in the circular form, having within its circumference the words "Mountain View Estates Subdivision Association".

ARTICLE XVII

Amendments

Section 1: These By-Laws may be amended at any time by a thirty five (35%) vote of the eligible membership attending either in person or by proxy at any regular meeting or one called for this purpose (with (30) days written notice).

"Section 1.a.: **Member responsibilities concerning guests:** Mountain View Estates owners are responsible for the conduct of their invited guests' actions/and or any damages caused to common properties while on Mountain View Estates premises. A minimum charge of \$150.00 will be assessed to the member for the actions or damages".

Section 2: These By-Laws shall at all times be compatible with the Articles of the Incorporation and, in the event of any incompatibility, the Articles shall control.

ARTICLE XVIII

Road Maintenance Fees

Road Maintenance Fees under the covenants in the deeds, and assessments (Article IV, section 6) are due on the first Saturday in June.