

**BY LAWS  
OF  
SUMMERPLACE SUBDIVISION HOMEOWNER'S ASSOCIATION**

**I. TITLE AND OBJECT**

- Section 1. The name of this organization is "Summerplace Subdivision Homeowners' Association."
- Section 2. The purpose of this organization is state in Section 10 of the Association Charter.

**II. GOVERNING BODY**

- Section 1. The governing body of the Association will be a Board of Directors', which will consist of the President, Vice President, Secretary, Treasurer, and three other Directors, one of whom will be the immediate past President of the Association. Directors will serve a term of two years. All officers will serve for a term of one year. The officers and first Board of Directors will be elected at the organization meeting of the incorporators. Four Directors will constitute a quorum.
- Section 2. The Board is vested with all powers not otherwise reserved by these By-Laws to maintain, operate, manage, and control Association properties, its employees, servants and agents; to pass rules for the management and government of the Association; to fix, enforce and remit penalties for a breach of the By-Laws or rules provided that all rules adopted for the year 1995 must be ratified by a majority of the Association present and voting at a meeting called for that purpose. Fines, when duly assessed by a majority vote of the Board according to the authority of these By-Laws, will be immediately collectible, and the nonpayment thereof will subject the offender to the penalty of suspension.
- Section 3. The Board will be vested with the power to fill any vacancies' arising in the Board of any other office until the next annual meeting to appoint an assistant or Acting Secretary or Treasurer and to prescribe his duties and, in carrying out the general purpose of this Association, to interpret the Buy-Laws, and its interpretation will be final.

- Section 4. The Board will have the authority to fix fees and dues payable by all Association members, and to revise the same from time to time, subject to the approval of two-thirds of those present in person or by proxy, and voting, at a meeting of the Association.
- Section 5. Subject to conditions, limitations, and restrictions contained in the By-Laws and the Charter, the Board will be vested with the power to make all contracts necessary for day-to-day activities, and to do such other acts as its discretion may dictate for the welfare of the Association, and to delegate its administrative duties to committees, or other persons or group of persons as deemed necessary.
- Section 6. The Board will not be vested with the power to make any contracts extending beyond, or not to be performed within, a period of one year; not to sell, encumber, convey, contract, purchase, or otherwise incur any indebtedness for extraordinary purposes except by an affirmative vote by a majority of the members present or represented at a regular or called meeting of the membership. This limitation, however, will not apply to expenditures necessary to preserve the Association properties in the event of an emergency.
- Section 7. Any member of the Board who will absent himself from three consecutive regular meetings, unless he will have previously obtained permission to do so from the Board, or will present, at the next regular meeting, an excuse for his absence satisfactory to the Board, will be deemed to have resigned his office.
- Section 8. Regular meetings of the Board will be held at the discretion of the President, who will fix time and place for the meeting.
- Section 9. Special meetings of the Board may be called by the President or Secretary. The Secretary will give each member notice at least twenty-four hours in advance of the holding of any special meeting.
- Section 10. A member of the Board of Directors will not be liable for any action taken as a director, or any failure to take any action, if he or she performed the duties of his or her office in good faith, with the care an ordinary prudent person in a like position would exercise under similar circumstances and in a manner he or she reasonably believes to be in the best interest of the corporation.

### **III. FISCAL YEAR**

Section 1. The fiscal year of the Association will begin October 1 and end September 30 of each year.

### **IV. ELECTION OF OFFICERS**

Section 1. The officers will be nominated and elected at the annual meeting of the members of the Association, which will be held on the Sunday immediately following Labor Day.

Section 2. The election of the Officers and other Directors of the Association will be by ballot, and a majority of the votes cast will be required to elect. Nomination for office may be made by a committee appointed by the Board. Additional nominations can be made by members from the floor.

Section 3. A member may be represented by proxy which must be in writing and will be files with the Secretary of the Association.

Section 4. Members of the Board will hold office for the fiscal year of their election and thereafter until their successors will have been elected. No more than one representative from any lot will serve as a member of the Board during a fiscal year.

Section 5. In case of vacancy on the Board, the Board will elect a successor to serve until the next annual meeting.

Section 6. The Board may upon its own motion, and will upon the written request of ten members, call a special meeting of the Association by giving ten-day notice to the members. The notice of every special meeting will state the facts or object or objects for which it is called, and no other business will come before the meeting.

Section 7. Ten percent of the membership entitled to vote will constitute a quorum at all Association meetings.

## **V. ELIGIBILITY TO VOTE**

- Section 1. Only members will be eligible to vote and to hold office in the Association.
- Section 2. Members with past-due Association dues are not eligible to vote or to hold office in the Association.

## **VI. DUTIES OF THE OFFICERS**

- Section 1. The President will preside at all meetings of the Association and of the Board and will exercise general supervision and control over all affairs of the Association. The President, or in his absence the vice president, will, with the secretary or treasurer, sign all written contracts of the Association and will perform other duties as the By-Laws assign him or her.
- Section 2. The Vice President, in the absence of the President, will perform all of his or her duties.
- Section 3. The Secretary will keep the minutes of all meetings of the Association and of the Board and will have charge of the records of the Association, and will conduct the general correspondence of the Association.
- Section 4. The Treasurer will keep the books of the Association and will render a financial report to the Board at its meetings and as such other times as may be ordered by the Board. He or she will cooperate with the Board which will cause a complete audit of the financial condition of the Association to be made at the request of the Board or a majority of members.
- Section 5. The officers will serve without compensation.
- Section 6. Except for petty cash, the funds of the Association will be expended only by check, which check must be signed by the Treasurer and at least one other officer of the Association or by other individuals as the Board may from time to time designate. The Board will establish procedures for the handling of petty cash. All persons authorized to sign checks will be bonded for \$1,000.00 the premium to be paid by the Association.

## **VII. COMMITTEES**

- Section 1. The President will appoint, subject to the ratification and approval of the Board, such committees from time to time with such powers as the President may deem advisable.
- Section 2. A Planning Committee, consisting of a Board member and two Association members will be appointed by the Board and will have the rights and duties as set forth in the Restated Declaration of Restrictive Covenants for Summerplace Subdivision as recorded in Warranty Deed Book 1984 page 0873 in the Register of Deeds office in Knox County, Tennessee.

## **VIII. ORDER OF BUSINESS**

- Section 1. At all meetings of the Association, except special meetings, the order of business will be as follows:
- II Reading of minutes of last meeting.
  - II Report of the Board.
  - II Report of the Treasurer.
  - II Report of Committees.
  - II Unfinished Business.
  - II New Business.
  - II Elections.
  - II Adjournment.

This order of business may be changed at any meeting by a majority vote of the members present.

## **IX. REQUIREMENTS FOR MEMBERSHIP**

- Section 1. Members will be such persons as are members of the Association at the time of adoption of these By-Laws and other persons as may thereafter qualify as members.

## **X. MEMBERSHIP**

Section 1. Membership in the Association will be limited to lot owners and regular members of the household. Each lot shall represent one share. A certificate representing one share will be issued in the name of the owners.

After adoption of these By-Laws the Association Membership will be restricted to lot owners of Summerplace Subdivision as shown in the initial map which was placed of record in map cabinet L, slide 154D and 155A.

Section 2. The rights and privileges of membership, not otherwise designated in these By-Laws, will be defined by the Board.

Section 3. All members will be recorded on the books of the Association. Memberships will be assigned to the purchaser of the member's lot.

Section 4. All homeowners, regardless of membership status, are bound by these bylaws and restrictions.

## **XI. ACCOUNTS**

Section 1. All dues and accounts are due yearly on the first day of September. A penalty of \$25.00 will be added to dues not paid by September 15. Any member who will not have paid his dues on or before October 1 of each year will be subject to suspension, expulsion, or such other disciplinary action as the Board of Directors may deem appropriate. Members will not be permitted to use the facilities of the Association or to transfer their stock in the Association until all current fees and assessments are paid in full.

## **XII. PENALTIES**

Section 1. For misconduct or neglect of duty, any officer may be expelled from office by a majority vote of the members present at any duly constituted meeting of the membership called for that purpose; notice of such meeting will state the purpose for which it is called.

Section 2. Any member who willfully or wantonly destroys or injures any Association property will be compelled to make good, at his or her own expense, the injury or loss he or she may have occasioned, and will also be liable for the reasonable attorney fees actually incurred by the Association in any action brought to enforce such liability. Members are directly responsible and liable for their guests.

### **XIII. AMENDMENTS**

Section 1. These Association By-Laws may be amended at any meeting of the Association by majority vote present in person or by proxy.

Duly adopted at the meeting of the Summerplace Subdivision Homeowners' Association on the fifteenth day of August 1995,

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President

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Secretary