



**BY-LAWS OF THE ELK CREEK HIGHLANDS
PROPERTY OWNERS ASSOCIATION**

ARTICLE I

NAME AND OBJECTS OF CORPORATION

Section 1. **NAME.** This Corporation shall be known as Elk Creek Highlands Property Owners Association (hereafter called the "Association").

Section 2. **OBJECTS.** The objects of the Association shall be: to furnish for its members facilities for meetings, social parties, fishing, boating, boarding of horses and outdoor sports and to promote for the mutual assistance, enjoyment and entertainment of all owners of real property located in Elk Creek Meadows, Filing Numbers 1 and 2 and Elk Creek Highlands, Filing Numbers 3, 4, 5, 6, 7 and 8, Park County, State of Colorado (hereafter referred to as the subdivisions").

ARTICLE II

MEMBERSHIP

Section 1. **MEMBERSHIP.** Every person or entity who is a record owners of a fee or undivided fee interest in a parcel of real property located in one or more the subdivisions may become a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for an obligation. No owner of property in the aforesaid subdivisions shall have more than one membership. Renters may apply for membership with the understanding they have no voting rights.

Section 2. **SUSPENSION OF MEMBERSHIP.** During any period in which a member shall be in default in the payment of any annual or special assessment levied by the Association, the membership of such member may be suspended by the Board of Directors until such suspension has been paid. Membership may also be suspended for violation of any rules and regulations established by the Board of Directors governing the use of the Association's facilities. However, before a membership can be suspended a member must be given notice and hearing before the Board of Directors.

Section 3. **MEMBERSHIP NON-ASSIGNABLE.** The membership and rights and privileges of a members shall not be assignable.

Section 4. **VOTE** Each member (excluding renter members) shall have only one vote at a meeting of members.



ARTICLE III

GOVERNMENT

Section 1. Board of Directors. The general management of the affairs of the Association shall be vested in the Board of Directors, who shall be elected as provided in Section 1 of Article V of these By-Laws. The number of directors shall be five (5) and may be reduced to not less than three (3) by amendment of these By-Laws.

Section 2. Officers. The officers of the Association shall consist of a President, a Vice-President, a Secretary and a Treasurer, selected from the Board of Directors, as provided in Section 3 of Article V of these By-Laws. The Secretary and Treasurer may be one person.

ARTICLE IV

MEETINGS

Section 1. MONTHLY MEETINGS OF MEMBERS. The monthly meetings of members of the Association shall be held the first Wednesday of each month. Notice of the time and place may be amended by the Board of Directors.

Section 2. SPECIAL MEETINGS OF MEMBERS. Special meetings of members may be called by the President at any time or by the President or Secretary upon request of five members to such officer made in writing.

Section 3. REQUIREMENTS FOR MEMBERS' MEETINGS. At all meetings of the Association, either regular or special, a minimum of two (2) Board of Directors must be in attendance.

Section 4. LACK OF QUORUM. If a quorum is not present, the meeting may be adjourned to a day and hour fixed by the presiding officer.

Section 5. ORDER OF BUSINESS. At all meetings of the Association, the order of business shall be as follows:

- (a) Reading of minutes of previous meeting for information and approval.
- (b) Reports of officers/committees.
- (c) Unfinished business.
- (d) New business.



ARTICLE IV (Continued)

MEETINGS

Section 6. MEETING OF BOARD OF DIRECTORS. Meetings of the Board of Directors shall be called by the President whenever in his judgment it may be deemed necessary, or by the Secretary upon request of any two member of the Board of Directors. Five (5) days' notice of meetings of the Board shall be sent to all directors, and shall be deemed sufficient notice of such meetings.

Section 7. QUORUM FOR BOARD OF DIRECTORS MEETINGS. A majority of the Board of Directors shall constitute a quorum.

ARTICLE V

ELECTION OF DIRECTORS AND OFFICERS

Section 1. ELECTION OF DIRECTORS. The directors of the Association shall be elected annually.

Section 2. ELECTION OF OFFICERS. The Board of Directors shall elect from their number a President, a Vice-President, a Secretary and a Treasurer. The Secretary and Treasurer may be one person. The meeting of the Board of Directors to elect officers shall be held within one month following their election to the Board.

ARTICLE VI

VACANCIES IN OFFICE

If a vacancy occurs among the officers or in the Board of Directors, the vacancy shall be filled for the unexpired term by the Board of Directors.

ARTICLE VII

DUTIES OF OFFICERS

Section 1. PRESIDENT. The President shall preside at all meetings of the Association and of the Board of Directors and shall appoint such committees as he or the Association shall consider expedient or necessary.



ARTICLE VII (Continued)

DUTIES OF OFFICERS

Section 2. **VICE-PRESIDENT.** In the absence of the President, the Vice-President shall perform his duties, and in the absence of both President and Vice-President, the Treasurer shall preside and assume the duties of the President.

Section 3. **SECRETARY.** The Secretary shall keep the minutes of all meetings of the Association and the Board of Directors and shall mail out all necessary notices for the Association or the Board of Directors. The Secretary shall keep an accurate account of and collect all fees, dues and charges due from members and perform such other duties as may be required by the By-Laws, the President or the Board of Directors.

Section 4. **TREASURER.** The Treasurer shall have charge of all receipts and moneys of the Association, deposit them in the name of the Association in a bank approved by the Board of Directors and disburse funds as ordered or authorized by the Board of Directors. The Treasurer shall keep regular accounts of receipt and disbursements, submit that record when requested and give an itemized statement at regular meetings of the Association. The Treasurer shall sign all checks and withdrawal slips in behalf of the Association upon any and all of its bank accounts and same shall be honored on his signature and the signature of one other officer.

Section 5. **EXECUTION OF INSTRUMENTS.** The President and Secretary or the Treasurer shall, on being so directed by the Board, sign all leases, contracts or others instruments in writing.

ARTICLE VIII

DUTIES AND POWERS OF THE BOARD OF DIRECTORS

Section 1. **MANAGEMENT OF ASSOCIATION.** The Board of Directors shall have general charge and management of the affairs, funds and property of the Association. The Board shall have full power, and it shall be the Board's duty to carry out the purposes of the Association according to its Articles of Incorporation and By-Laws; to determine whether the conduct of any member is detrimental to the welfare of the Association; and to fix the penalty for such misconduct or any violation of the By-Laws or Rules.

Section 2. **RULE-MAKING.** The Board of Directors may make rules for the conduct of the members and the use of the Association property and facilities and define the privileges of the members and their guests, not inconsistent, however, with anything set forth, in these By-Laws.

Section 3. **APPOINTMENT OF COMMITTEES.** The Board of Directors may appoint such committees as it deems necessary; it may vote the expenditure of moneys as it deems necessary or advisable; and it may contract for the lease or purchase in the name of the Association of properties or facilities for the use of the members.



ARTICLE IX

COMPENSATION OF DIRECTORS AND OFFICERS

No member, or member of the Board of Directors shall receive or shall be lawfully entitled to receive a salary of compensation; provided, however, always (1) that reasonable compensation may be paid to any officer or director while acting as an agent or employee of the Association for services rendered in effecting one or more of the purposes of the Associate, and (2) that any officer or director may from time to time, be reimbursed for his actual and reasonable expense incurred in connection with the administration of the affairs of the Association.

ARTICLE X

FEES AND DUES

Section 1. ANNUAL DUES. The annual dues of members for each calendar year shall be determined and assessed by the Board of Directors. Said dues are to be used for the maintenance and upkeep of the Association's facilities.

Section 2. TIME FOR PAYMENT OF DUES. The time for payment of the above mentioned dues shall be set by the Board of Directors.

ARTICLE XI

RULES AND REGULATIONS FOR MEMBERS AND GUESTS

Section 1. RIGHTS OF GUESTS TO USE FACILITIES. No person except a member of the Association, and the family of such member and/or their guests, shall use any waters, properties, or facilities owned, leased, or contracted for the Association for any purpose whatever.

Section 2. DEFINITION OF FAMILY. as used in these By-Laws, Rules and Regulation, the term family shall include only persons within the third degree of relationship either to the member or spouse.

Section 3. DEFINITION OF GUEST. Within the meaning of the foregoing, the term guest of a member shall include only persons actually visiting with a member.

Section 4. UPON WHOM BINDING. Each and every member of the Association, family and guests and the subsequent owners or occupants of any real property located in the aforesaid subdivisions, shall be bound by and abide by these By-Laws, Rules and Regulations.



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Debra A Green
Park County Clerk

ARTICLE XII

NOTICES

All notices to members shall be emailed or mailed to the addresses as given on the books of the Association, and such mailing shall constitute service thereof.

ARTICLE XIII

AMENDMENTS

These By-Laws may be amended by a majority vote of the Board of Directors as a regular or special meeting of said Board.

December 15, 2010