

THE CACAPON HIGHLANDS PROPERTY OWNERS' ASSOC.

CONSTITUTION

Article I

Section 1. The name of this unincorporated association is the Cacapon Highlands Property Owners' Association, and the members shall be those persons owning lots and required to pay the annual mandatory assessments in the Cacapon Highlands Subdivision in Morgan County, West Virginia.

Section 2. The location and post office of the Association shall be at a location determined by the Board of Trustees.

Section 3. The purposes for which the Association is formed are:

- a) To administer the funds collected from the members of the Association for the maintenance, improvements, or repairs of existing private roads, common lands and rights-of-way in the Cacapon Highlands Subdivision, or other purposes in the common good as determined by the Board of Trustees;
- b) To elect a Board of Trustees to be the governing body of the Cacapon Highlands Association subject to the approval by the Association body.
- c) To enforce the rules and regulations as set forth in these attached Bylaws, Covenants, Conditions and Restrictions.

Section 4. The Trustees of the Association to be elected as provided by the By-Laws shall have the authority to collect, demand, and sue for the mandatory annual assessment which each lot owner is required to pay under the terms of Article 3, Paragraph 1, of the Protective Covenants, Restrictions, and Easements, pertaining to the subdivision as the same is recorded in the Office of the Clerk of the Court of Morgan County, West Virginia, Deed Book 111, Page 222.

Section 5. The qualifications for the members of the Association, the property, voting and other rights and privileges of the members shall be as from time set forth in the By-Laws of the Association.

BYLAWS OF THE CACAPON HIGHLANDS PROPERTY OWNERS' ASSOCIATION

ARTICLE 1

Section 1. The membership of the Association shall consist of those property owners owning lots in the Cacapon Highlands Subdivision in Morgan County, West Virginia.

Section 2. Each member shall be liable to such assessment as the protective covenants, restrictions and easements may provide, and there shall be no transfer of membership in the Association until such dues are paid in full to the Trustees.

Section 3. In all elections, the owner or owners of each lot shall have one (1) vote. A majority of votes as represented by those in attendance or by proxy shall be requisite to determine a question.

DUES

*DUES
Assessments*

VOTES

Section 4. Voting in the elections of the Association may be in person or by proxy, provided such proxy be executed by the lot owners and filed with the Trustees in writing before the meeting at which the proxy is to be voted.

Section 5. In the event of the sale or transfer of a lot, the original owner shall provide the new owner with a copy of this document and shall be responsible for dues assessed prior to the sale or transfer of the property and shall provide the Trustees with the name, address, and phone number of the new owner.

Section 6. On transfer or sale of a lot, the prior owners' membership in the Association shall cease.

ARTICLE II - TRUSTEES

Section 1. The Trustees of the Association shall consist of five (5) members who shall also constitute the Board of Directors and who shall elect from their number two (2) persons who shall be chairman and co-chairman and one (1) person who shall be the Treasurer and who shall administer all funds for said Association; one (1) person who shall be secretary and administer all notification and recording for said Association and one (1) person who shall be a Trustee-at-Large.

Section 2. The Trustees shall be members of the Association and shall attend the annual meeting of the Association, which annual meetings shall be held on the first Sunday in May of each year.

Section 3. The original trustees shall be appointed by Tuscarora Land Co. from among the persons then owning lots in the Cacapon Highlands Subdivision, two (2) to serve a term of three (3) years; one (1) to serve a term of two (2) years; and two (2) to serve a term of one (1) year; thereafter the members of the Association shall elect Trustees as necessary to fill the vacancy or vacancies on the Board as the vacancies occur. Each elected Trustee shall serve a term of three (3) years.

TRUSTEES, GENERAL ARTICLE III - MEETINGS; PETTY CASH

Section 1. The Chairman of the Trustees shall preside at all meetings of the members and at all meetings of the Trustees, and he shall implement and direct the execution of the policies and functions of the Association. Upon request of two (2) Trustees the Chair shall call a special meeting of the Trustees or of the Association as may be requested.

Section 2. The Trustees shall meet no more than 90 days nor less than 60 days prior to the annual meeting and not less than two additional times a year as called by the chair.

Section 3. The Board of Trustees shall establish such regulations as may be necessary for the payment of the day to day expenses and shall be responsible for the initiating of a fund for petty cash and the authorization to the Chairman to pay such ordinary and recurring items of expense as he may see fit.

VOTES
TRANSFER
PROPT.

Section 4. The Trustees shall have custody of all the monies of the Association. They are to deposit the same in a bank account under the name of the Association and keep a full and complete account of all the transactions by and on behalf of the Association. All checks and drafts on the Associations's funds shall be signed by the Treasurer and one (1) other Trustee, except where otherwise specially provided by the Board of Trustees with relation to petty cash expenditures and recurring service expenses. The Trustees shall exhibit a statement of the accounts annually to the members at the annual meeting.

ARTICLE IV

ANNUAL MEETINGS

Section 1. The members shall receive from the Secretary at least fifteen (15) days notice of the annual meetings of the Association, which meeting shall be held on the grounds of the Cacapon Highlands Subdivision or at another location acceptable to a majority of the Trustees, at a time to be designated by the Trustees. At the annual meetings, one or more Trustees, sufficient to fill the Board's defined membership of five (5) persons, to serve terms of three (3) years shall be nominated and elected by a majority of the members of the Association present at the annual meeting. Each member lot may vote in person or by proxy, again each lot having one (1) vote.

BD. MTGS.

Section 2. The Secretary shall, at least fifteen (15) days prior to each meeting of the Trustees, give each Trustee a written notice of the meeting by mailing them the time and place set for said meeting, said notice to be directed to the members' addresses appearing on the records of the Association.

Section 3. Nothing hereinbefore set forth with reference to Trustee meetings and notices of meetings, shall preclude the holding of a meeting pursuant to waiver and by agreement of all the members of the Board of Trustees as the case may be.

ARTICLE V

Section 1. Amendments to these by-laws may be made at any annual meeting provided that the proposed amendment being offered be in writing and notice of said proposed amendment be mailed to all members of the Association, together with a copy of same at least fifteen (15) days prior to the annual meeting at which said amendment shall come before the membership for vote.

Section 2. Any amendments to the by-laws must receive a majority of the vote of the members present and by proxy in order to be adopted.