

THE CACAPON HIGHLANDS PROPERTY OWNERS' ASSOCIATION

CONSTITUTION

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 locations and post office of the mailing address 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 right-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 and in the 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, Conditions and Restrictions, ~~and Easements~~, pertaining to the subdivision as the same is recorded in the ~~Office Easements, pertaining to the subdivison as the same is recorded in the~~ Office 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 the time set forth in the By-Laws of the Association.

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to Trustees

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BY-LAWS OF THE CACAPON HIGHLANDS PROPERTY OWNERS' ASSOCIATION

ARTICLE I

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, Conditions and 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~~ Association.

Section 3. In all elections, the owner or owners of each lot on which the assessments have been paid to date 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.

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

Directors

Section 5. In the event of the sale or transfer of a lot, the ~~original owner~~ seller shall provide the ~~new owner~~ buyer with a copy of this document, a copy of the Covenants, Conditions and Restrictions, 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.

Directors

Section 6. On transfer or sale of a lot, the ~~prior owner's~~ seller's membership in the Association shall cease.

ARTICLE II

Directors

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

Director

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

alternate dir are ~~not eligible~~ ~~to hold office~~ from ~~to hold office~~.

Directors

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Section 3. The original Trustees were 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 they ~~vacancies~~ occur. Each elected Trustee shall serve a term of three (3) years, except alternate trustees who will serve a term of one (1) year.

add from Ditcher - partial terms

ARTICLE III

Section 1. The Chairman of the Board of 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 and the Chair, ~~shall~~ a special meeting of the Trustees or of the Association ~~as may be requested.~~ *held.*

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 per 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 ~~on~~ and maintenance of a fund for petty cash and the authorization ~~to the chairman~~ to pay such ordinary and recurring items of expense as may be necessary.

Section 4. The Trustees shall have custody of all ~~the~~ monies of the Association. ~~They are to~~ The Trustees shall 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 Association'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 case expenditures and recurring service expenses.~~ The Trustees shall exhibit a statement of the account annually to the members at the annual meeting.

ARTICLE IV

Section 1. The members shall receive from the Secretary at least fifteen (15) days notice of the annual meeting 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 meeting, one or more Trustees, sufficient to fill the Board's defined membership of five (5) persons, shall be nominated and elected by a majority of the members present to serve terms of

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three (3) years. and Two (2) alternate members shall also be nominated and elected for a term of one (1) year. ~~each shall be nominated and elected by a majority of the members of the Association present at the annual meeting.~~ Each eligible member may vote in person or by proxy. ~~again each lot having one (1) vote.~~

Section 2. The Secretary shall, at least fifteen (15) days prior to each meeting of the Trustees, ~~give~~ provide 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 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. ^{To be adopted} 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.] (in person or by proxy)~~ to be adopted.

represented at the ^{annual} meeting
by their presence or by their
proxy. ~~to be adopted.~~