

**BY-LAWS
OF
CEDAR MESA RANCHES HOMEOWNERS ASSOCIATION, INC.
A NON-PROFIT CORPORATION**

CURRENT BY-LAW	PROPOSED BY-LAW	VOTE
ARTICLE III. MEMBERSHIP AND VOTING RIGHTS		
<p><u>Section 7.</u> Each lot membership shall pay annual fees in the amount of \$450.00. The annual fee shall be reviewed, established and modified as needed, at each annual meeting. In the event the amount accumulated in the treasury is inadequate to defray anticipated or incurred costs, a majority of the membership shall have the power to assess members for such costs. Each member in the Association shall be personally liable for the payment of such regular assessments and special assessments for capital improvements as may from time to time be fixed and levied by the Board of Directors pursuant to the provisions of Article V, Section 1 (e) and (f) of these By-Laws; provided, however, that such levy must be applied in a uniform manner among all members.</p>	<p><u>Section 7.</u> Each lot/<u>tract</u> membership shall pay annual fees in the amount of \$450.00 which is due at the annual meeting in January. <u>The full amount is due at the annual meeting. An alternative payment option is available as follows: one-half (\$225) is due at the annual meeting with the balance of a lump sum payment of (\$225) due within 90 days.</u> The annual fee shall be reviewed, established and modified as needed, at each annual meeting. In the event the amount accumulated in the treasury is inadequate to defray anticipated or incurred costs, a majority of the membership shall have the power to assess members for such costs. Each member in the Association shall be personally liable for the payment of such regular assessments, and special assessments <u>and</u> that such levy must be applied in a uniform manner among all members. <u>To change or add to the amount of the annual fee (dues) and all other assessments will require a majority vote of the membership either at the annual meeting or any other general membership meeting . The only exception to this is the Minor assessments as stated in section 8 of Article III.</u></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section 8. Assessments and their respective due date shall be voted on by a majority of the members of the Association. Minor assessments of \$25.00 or less shall be voted on by the Board of Directors, without Association approval. If the assessments are not paid by the last day of the following month a penalty interest on the amount thereof shall accrue at the rate of 9% annually. Each such assessment, together with interest, costs, and reasonable attorney's fees, shall be the personal obligation of the person who was a member of the Association at the time the assessment fell due. Liability of individual members of the Association with respect to such assessment shall be in accordance with their percentage interest in general common elements as of the date of the assessments. The personal obligation of a member shall not pass to his successors in interest unless expressly assumed by them. All assessments plus interest must be paid by the March annual meeting. Any payment under this section shall be considered received by the Association on the date it is actually received by the Secretary-Treasurer.

The Association may at its option, bring an action at law against the member personally obligated to pay the assessments, and there shall be added to the amount of such assessment, a late charge, the costs of preparing and filing the complaint of such action, and in the event a judgment is obtained, such judgment shall include said interest and a reasonable attorney's fees, together with the costs of action. Each member vests in the Association or

Section 8. Minor assessments of \$100.00 or less shall be voted on by the Board of Directors, (only one Minor assessment per year) without a majority membership vote. If the assessments are not paid by the last day of the following month a penalty interest on the amount thereof shall accrue at the rate of 9% annually. Each such assessment, together with interest, costs, and reasonable attorney's fees, shall be the personal obligation of the person who was a member of the Association at the time the assessment fell due. Any payment under this section shall be considered received by the Association on the date it is actually received by the Treasurer.

The Association may at its option, bring an action of law against the member personally obligated to pay the assessments, and there shall be added to the amount of such assessment, a late charge, the costs of preparing and filing the complaint of such action, and in the event a judgment is obtained, such judgment shall include said interest and a reasonable attorney's fees, together with the costs of action. Each member vests in the Association or its assigns, the right and power to bring all actions at law against such member or other member for the collection of such delinquent assessment. No action shall be commenced against a member for the collection of such delinquent assessments unless

Yes No

<p>its assigns, the right and power to bring all actions at law against such member or other member for the collection of such delinquent assessment. No action shall be commenced against a member for the collection of such delinquent assessments unless and until fifteen (15) days prior written notice of said delinquency shall have been furnished to said member by certified mail, return receipt requested, addressed to the owner of record of the lot to which said assessment pertains at his address as reflected in the books and records of the Association. Proof of mailing shall be established by one of the following: (1) a receipt signed by the member or his agent, (2) the return of the notice to the Association reflecting that acceptance of said notice was refused by the member or his agent; or (3) the affidavit of the party mailing the notice.</p>	<p>and until fifteen (15) days prior written notice of said delinquency shall have been furnished to said member by certified mail, return receipt requested, addressed to the owner of record of the lot/<u>tract</u> to which said assessment pertains at his address as reflected in the books and records of the Association. Proof of mailing shall be established by one of the following: (1) a receipt signed by the member or his agent, (2) the return of the notice to the Association reflecting that acceptance of said notice was refused by the member or his agent; or (3) the affidavit of the party mailing the notice</p>	
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ARTICLE V. DIRECTORS

<p>(d) To borrow money and to incur indebtedness for the purposes of the Association, and to cause to be executed and delivered therefor, in the Association's name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, or other evidences of debt and security therefore.</p>	<p>d) To borrow money and to incur indebtedness for the purposes of the Association, and to cause to be executed and delivered therefor, in the Association's name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, or other evidences of debt and security therefore. <u>This will require a majority vote of the membership</u></p>	<p><input type="checkbox"/>Yes <input type="checkbox"/> No</p>
<p>(e) occupied by the Association as general common elements, or for labor rendered or materials or supplies used and consumed, or equipment and appliances furnished for the maintenance, improvement or development of such general common elements or for the payment of any and</p>	<p>(e) To fix and levy from time to time assessments upon the members of the Association <u>as described in Article III sections 7 and 8</u>; to determine and fix the due date for the payment of such assessments, and the date upon which the same shall become delinquent; provided, however, that</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/> No</p>

<p>all obligations in relation thereto, or in To fix and levy from time to time assessments upon the members of the Association; to determine and fix the due date for the payment of such assessments, and the date upon which the same shall become delinquent; provided, however, that such assessments shall be fixed and levied only to provide for the payment of the expenses of the Association and of taxes and assessments upon real or personal property owned, controlled or performing or causing to be performed any of the purposes of the Association for the general benefit and welfare of its members, and the Board of Directors is hereby authorized to incur any and all such expenditures for any of the foregoing purposes and to provide adequate reserves for replacements as it shall deem to be necessary or advisable in the interest of the Association or welfare of its members. Should any member fail to pay such assessments before delinquency, the Board of Directors in its discretion is authorized to enforce the payment of such delinquent assessments as provided in Article III, Section 8 of the By-Laws.</p> <p>(f) To enforce the provisions of these By-Laws or other agreements of the Association;</p>	<p>such assessments shall be fixed and levied only to provide for the payment of the expenses of the Association and of taxes and assessments upon real or personal property owned, controlled or occupied by the Association as general common elements, or for labor rendered or materials or supplies used and consumed, or equipment and appliances furnished for the maintenance, improvement or development of such general common elements or for the payment of any and all obligations in relation thereto, or in performing or causing to be performed any of the purposes of the Association for the general benefit and welfare of its members, and the Board of Directors is hereby authorized to incur any and all such expenditures for any of the foregoing purposes and to provide adequate reserves for replacements as it shall deem to be necessary or advisable in the interest of the Association or welfare of its members. Should any member fail to pay such assessments before delinquency, the Board of Directors in its discretion is authorized to enforce the payment of such delinquent assessments as provided in Article III, Section 8 of the By-Laws.</p> <p>(f) To enforce the provisions of these By-Laws or other agreements of the Association <u>and covenants as recorded in the office of the County Clerk of Montezuma County, Colorado.</u></p>	<p><input type="checkbox"/>Yes <input type="checkbox"/> No</p>
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