

90-25085

BYLAWS OF

OREGON WATER WONDERLAND PROPERTY OWNERS ASSOCIATION, UNIT I

ARTICLE I. NAME AND LOCATION

The name of the corporation is Oregon Water Wonderland Property Owners Association, Unit I, situated in portions of the SE SE of Section 23, the SW SW of Section 24; the NE NE of Section 26; the NW SE of Section 26; and all of the W of the NW of Section 25; and the SE NE NE of Section 26; and the NE SE of Section 26; the NW SW of Section 25 all in Township 20 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon.

ARTICLE II. DEFINITIONS

Unless the context denotes otherwise, the following terms are defined as follows:

Section 1. The term "Association" shall mean and refer to the Oregon Water Wonderland Property Owners Association, Unit I.

Section 2. The term "Properties" shall mean and refer to all property located in Unit I, Oregon Water Wonderland Plat, Deschutes County, Oregon.

Section 3. The term "Common Properties" shall mean all real property owned by the Association for the common use and enjoyment of the members of the Association.

Section 4. The term "Lot" shall mean and refer to any plot of land upon any recorded subdivision map of the properties with the exception of the common area.

Section 5. The term "Member" shall mean and refer to each person or entity who holds membership in the Association.

Section 6. The term "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot which is part of the properties, but excluding those having such interests merely as security for the performance of an obligation.

ARTICLE III. MEMBERSHIP.

Section 1. Each person or entity who is a record owner of a parcel within the subdivision shall automatically become a member of this Association. Any person purchasing any parcel within said area under an agreement of sale and/or land sale contract shall be deemed the owner of said parcel for the pur-

poses hereunder. Joint owners of any lot shall be entitled to one membership. No owner shall have more than one membership per lot.

Section 2. 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 voting rights of the member may be suspended by the Board of Directors until the assessment has been paid. Such rights of a member may also be suspended, after notice and hearing for a period not to exceed ninety days, for a violation of any rules and regulations established by the Board of Directors governing the use of the common properties and facilities.

ARTICLE IV. FEES, ASSESSMENTS AND RIGHT TO LIEN

Section 1. The Board of Directors shall annually assess each lot in the subdivision its proportionate share of the costs of maintenance of said roads, streets and public ways and enforcement of covenants in said subdivision. The costs of said maintenance shall include the necessary amounts incurred by the directors for insurance, bond premiums, equipment rental, materials and labor required for such operation and maintenance. The owner of the subdivision shall pay a like assessment for each lot remaining unsold in said subdivision, it being the intention that all assessments shall be uniform, as much as is practicable.

Section 2. In the event any property owner shall fail to pay his assessments when due and payable, the amount thereof, together with interest at the rate of 1 and 1/2 percent from the date said assessment was due, plus the cost of collection thereof, including attorney fees, shall become and constitute a lien against the parcel or parcels owned by said delinquent property owner. The association shall have the right to file such a lien in the office of the County Clerk of Deschutes County, Oregon and shall, within ninety days from the date of filing thereof, send to the delinquent property owner at his or her last known address a copy of said lien. Said lien may be foreclosed and the property sold to satisfy such lien in the same manner as is provided for the foreclosure of construction liens under the laws of the State of Oregon.

Section 3. Notwithstanding the foregoing, the Association, through its Board of Directors, may, instead of filing and foreclosing a lien, initiate a legal action to recover past due assessments from any property owner who fails to pay assessments when due. In the event that such legal action is necessary, the Association shall be entitled to recover all costs incurred in said collection efforts, including reasonable attorney fees.

ARTICLE V. MEMBERSHIP MEETINGS.

Section 1. Annual Meetings. The annual membership meeting shall be held in August of each year.

Section 2. Special Meetings. Special membership meetings shall be called by the Secretary upon resolution of the board, or upon petition of five percent (5%) of the voting members. The petition shall state the purpose of the special meeting and may fix a period of two weeks during which the meeting may be held; provided, however, that the petition be delivered to the Secretary not less than one week before the designated period.

Section 3. Notice of Meetings. There shall be not less than ten (10) days' written notice given of any meeting of the membership, mailed by regular mail, postage pre-paid, to the last known address of each member of the Association, stating the date, time, place and purpose of such meeting.

Section 4. Quorum. At any regular or special meeting a quorum shall consist of twenty percent (20%) of the membership.

Section 5. Powers of Meetings. At a membership meeting, declarative resolutions may be adopted, and instructions may be issued to the board, provided they do not abridge powers specifically granted to the board by these By-Laws. At a special membership meeting no business may be transacted other than that stated as the purpose of the meeting, without the unanimous consent of the members present.

Section 6. Voting Rights. Notwithstanding anything to the contrary herein contained, it is understood that there shall not be permitted more than one (1) vote per parcel owned. Vote may be cast in person or by written ballot.

ARTICLE VI. DIRECTORS, SELECTION, TERM OF OFFICE.

Section 1. Directors. The affairs of the Association shall be managed in a Board of Directors of five (5) persons, who shall be elected by the membership. At the first annual meeting, the membership shall allow one (1) director for a term of one year, two (2) directors for a term of two years and two (2) directors for a term of three years and at each annual meeting thereafter, the members shall elect directors for a term of three years. Directors shall hold office until their successors have been elected and shall have entered upon the discharge of their duties.

Section 2. Vacancies. Any director of this Association who, having been duly notified, fails to attend four regular consecutive board meetings without excuse satisfactory to the board, shall thereby forfeit his membership thereon, and the position shall thereupon be deemed vacant. The board shall appoint replacements to serve until the next annual Association meeting when a permanent replacement shall be elected to serve out the unexpired term.

ARTICLE VII. MEETINGS OF DIRECTORS.

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly without notice, at a place and hour as may be fixed from time to time by a resolution of the Board.

Section 2. Special Meetings. Special meetings of the Board shall be held when called by the President of the Association or by any three (3) directors after not less than ten (10) days' notice to each director.

Section 3. Quorum. A majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

ARTICLE VIII. POWERS AND DUTIES OF THE BOARD OF DIRECTORS.

Section 1. Powers. The directors shall be limited in their authority to the contracting for the operation, maintenance, repair, rebuilding or rehabilitation of the roads, streets, public ways and enforcement of the covenants of the subdivision, including the right to incur the necessary expenses for insurance, bond premiums, rentals of equipment, purchase of necessary materials and labor incident to such operation and maintenance.

The Directors shall have the right to the reasonable entry upon any parcel of the subdivision for the purpose of such operation and maintenance without being deemed guilty of trespass or unlawful entry.

Section 2. Duties. The Board shall cause to be kept complete records of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members.

Section 3. Subcommittees. The Board may create advisory committees composed of individuals interested in one or more phases of the work of the Association.

ARTICLE IX. OFFICERS.

Section 1. Officers. The officers shall be: President, Vice-President, Secretary, Treasurer and such others as the Board may deem necessary. The President, Vice-President and Secretary shall be appointed by the Board of Directors from their number at the first regular board meeting following the annual election. All officers shall hold office at the discretion of the Board.

Section 2. Duties of Officers. The officers shall perform the duties as usually appertaining to such offices and such other duties as may be delegated to them by these Bylaws of the Association, or by the Board.

Section 3. Bonds. All directors of the Association handling funds of the Association shall be bonded.

ARTICLE X. MAIL VOTE.

Whenever in the judgment of the Board of Directors any question shall arise which it considers should be put to a vote of the membership, and when it deems it inexpedient to call a special meeting for that purpose, it may submit the matter to the membership in writing by mail for vote and decision, and the question thus presented shall be determined according to a majority of the votes received by mail within thirty days after such submission to the membership; provided that in each case, votes of at least a majority of the members shall be received. Action taken in this manner shall be as effective as action taken at a duly called meeting.

ARTICLE XI. LIABILITIES.

Nothing herein shall constitute members of the Association as partners for any purpose. No member, director, agent or employee shall be liable for the acts or failure to act of any other member, officer, agent or employee of the Association. Nor shall any member, director, agent or employee be liable for his acts or failure to act under these Articles, except only acts or omissions arising out of his willful misfeasance.

ARTICLE XII. AMENDMENTS.

These Bylaws of this Association may be amended, repealed or altered in the whole or in part by a majority vote of the members in attendance in person or represented by written ballot at any duly organized meeting of the Association.

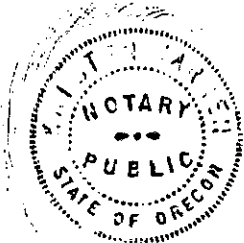
DATED this 16 day of December, 1989.

Lawrence R. Zupetto
Secretary

216 - 2799

STATE OF OREGON)
County of Deschutes) ss.

Personally appeared before me the above-named Lawrence L. Zufelt and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 16th day of December, 1989.



Kurt W. Warden
Notary Public
My Commission Expires: 4/5/92

STATE OF OREGON)
COUNTY OF DESCHUTES) ss.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

90 AUG 27 AM 9:08
MARY SUE PENHOLLOW
COUNTY CLERK

✓
Oppe-Winter-Winterland No 1
Home Owners Assoc.
55579 S. Century Dr.
Bend, Or 97702

BY: B. B. Buck DEPUTY
NO. 90-25085 FEE 30-
DESCHUTES COUNTY OFFICIAL RECORDS