

**BY-LAWS  
OF  
HAWK RIDGE HOMEOWNERS' ASSOCIATION SECTION I**

**Article I  
Board of Directors**

Section 1 - Identifications These are the By-Laws of the Hawk Ridge Homeowners Association Section I, a corporation not for profit (herein referred to as the "Association."). The Association has been organized for the purpose of owning, operating, and administering the easements of enjoyment at "Hawk Ridge Section I", as those terms are defined in the Declaration of Planned Community for Hawk Ridge Section I ("Declaration").

Section 2 - Organization The entire management of the Hawk Ridge Homeowners Association Section I, its affairs, properties, and assets are vested in a Board of Directors, consisting of not more than seven (7) members of the Hawk Ridge Homeowners Association Section I, elected as provided in Article IV, Section 1, subject to the mandates of the voting members at their meetings called for the purpose of acting upon the affairs of the Association. For designation, the Board of Directors will hereinafter be referred to as the Board.

1. Section 3 - Powers All decisions of the Board shall be the majority vote of the Directors present except where otherwise provided. In addition to any and all powers conferred upon the Board by law, and by the Articles of Incorporation of the Association, these By-Laws without in any manner or degree abrogating, limiting or modifying any such powers, grant to the Board the following authority: To hear and determine charges made against any homeowner, full and final authority being hereby granted to reprimand any member in accordance with Article VII, Section 4. Any homeowner may be privately disciplined for cause upon the affirmative vote of a majority of the Board.
  - 1.A. Elect from its members a Chairman, a Co-chairman, a Secretary, and a Treasurer, annually at its first meeting after the Annual Election of Board Member's Meeting in each year as prescribed in Article IV, Section 2.
  - 1.B. To make or authorize the purchase of materials or supplies and to contract for whatever may be reasonably required in the operation and maintenance of the Homeowners Association and its properties.
  - 1.C. To remove a Director from the Board for cause. The absence of a Director from three (3) consecutive meetings of the Board, without the approval of the Board or Chairman, shall be considered sufficient cause for removal.
  - 1.D. To choose a successor who shall hold office for the unexpired term in the event of a vacancy in the office of any Director or other office.
  - 1.E. To direct the Chairman to call meetings of the Association in accordance with Article V, Section 1, 2 and 3.

- 1.F. To employ at any time one (1) or more Certified Public Accountants, not necessarily members of the Association, to audit the books of the Association or any officer, employee, committee, or agent thereof.
- 1.G. To elect a presiding officer in the event that the Chairman position is vacant.
- 1.H. To employ a professional property manager (PPM) pursuant to Article II, Section 6, below.

## **Article II Officers**

Section 1 - Titles The Officers of the Association shall include a Chairman, Co-chairman, Secretary, and Treasurer, elected as provided in Article IV, Section 2. One (1) person may not hold two (2) offices of the Board. Any vacancy in an office shall be filled by appointment of the Board for the unexpired term.

Section 2 - Duties of the Chairman The Chairman shall be the chief appointed officer of the Association, performing any and all legal duties under the Declaration and incident to the corporate office of the Chairman. The Chairman shall preside at all meetings of the Association and the Board of Directors. The Chairman shall call special meetings of the members of the Association as provided in Article V, Section 3. The Chairman shall enforce By-Laws and covenants of the Association and shall, by and with consent and approval of the Board, have the right to appoint or employ all officers and employees not otherwise herein provided for. The Board shall appoint all committees. The Chairman shall be an ex-officio member of all such committees. With the Secretary, and in the capacity as Chief Executive Officer of the Corporation, the Chairman shall sign all written contracts, obligations, and instruments of the Association and shall have charge of the general supervision of the Association. The Chairman shall perform all other such duties as properly may be required by the Board.

Section 3 – Duites of the Co-Chairman In the absence of the Chairman, the Co-Chairman shall perform all of the Chairman's duties; and if the office of the Chairman shall become vacant, the Co-Chairman shall hold the office of Chairman until the next election, or until the vacancy is filled by the action of the Board.

Section 4 - Duties of the Secretary The Secretary shall perform any and all legal duties under the Declaration and incident to the corporate office of Secretary. The Secretary shall be the custodian of the corporation and shall sign or countersign all such instruments as may require a signature as a corporate officer of the Association. The Secretary shall conduct or cause to be conducted all official correspondence of the Association and shall see that such correspondence is properly preserved and filed until otherwise disposed of by the Board. The Secretary shall issue, or cause to be issued, all notices of all meetings of members or Directors, and shall keep the minutes and records thereof. The Secretary shall keep or cause to be kept a corporation record book in which shall be entered an accurate history of all resignations of members or officers and

all membership forfeitures, suspensions and expulsions, together with accurate listings of all members' names, home and business addresses and telephone numbers, as well as the date when each was elected to membership. The Secretary shall be responsible for posting all Association notices in whatever place on the Association premises may be designated by the Board. The Secretary shall, by letter or otherwise, regularly advise delinquents of their unpaid indebtedness. The Secretary shall perform all other duties that the Board of Directors shall assign.

Section 5 – Duties of the Treasurer The Treasurer shall perform any and all legal duties under the Declaration and incident to the corporate office of Treasurer. The Treasurer shall sign and countersign all such instruments as may require the Treasurer's signature as a corporate officer. The Treasurer shall be the custodian of all Association Funds, receiving all fees and dues collected and depositing all funds in a depository to be designated by the Board.

The Treasurer shall disburse the Association Funds as authorized by the Board. The Treasurer shall keep or cause to be kept proper vouchers of all sums disbursed and complete and regular accounts in accordance with a system satisfactory to the Board of Directors. Upon request by the Board, the Treasurer shall submit to the Board complete information as to the financial condition of the Association and, at meetings of members, shall submit a complete and comprehensive statement of the Association's financial affairs. The Treasurer shall perform all other such duties as may properly be assigned by the Board of Directors. The Treasurer may use the services of a Professional Property Manager, per Section 6, to carry out the above-described treasurer's duties.

Section 6 - Managing Agent Professional Property Manager (hereinafter "PPM"). The Executive Board (hereinafter "Board") must employ for the Association a PPM at a compensation established by the Board. The PPM shall perform such duties and services as the Board shall authorize, including, but not limited to, all the duties listed in the Act, the Declaration, and these By-Laws; provided however, where a PPM does not have the power to act under the Act, the Declaration or these By-Laws, such duties shall be performed as advisory to the Board. The Board may delegate to the PPM all the powers granted to the Board by the Act, the Declaration, and these By-Laws other than the following powers:

1. to adopt the annual budget and any amendment thereto or to assess any Common Expenses,
2. to adopt, repeal or amend Rules and Regulations,
3. to designate signatories on Association bank accounts,
4. to borrow money on behalf of the Association,
5. to acquire and mortgage Lots,
6. to designate Reserved Common Elements,
7. to allocate Limited Common Elements.

Section 7 – Compensation No salary or other compensation shall be paid to any officer of the Association.

### **Article III Committees**

Section 1 - Formation & General Rules Standing committees and other committees shall be appointed in accordance with Article II, Section 2. Vacancies in committees shall be filled by appointment by the Board. Each committee shall be composed of as many members or Directors, or both, as the Board may determine. Committee appointments may be for one (1) year or less at the discretion of the Board. All committees shall report on their activities to the Board whenever requested and are at all times under the direct supervision and control of the Board, having only such authority as is specifically defined herein, and as may be delegated to them by the Board.

### **Article IV Elections**

Section 1 – Directors The election of not more than seven (7) members constituting the Board shall be by ballot. The submission of ballots may be made in person or by means of electronic mail. At the first election of Directors, no more than four (4) shall be elected to serve for one year, and three (3) for two (2) years. Thereafter, at each Annual Election Meeting, Directors shall be elected for a term of two (2) years to fill expired terms. The member nominated shall be a resident and a lot owner or co-owner of a lot. No member shall serve as a Director for more than two (2) consecutive two (2) year terms, but a member may serve as a standing committee or special committee chairman if so appointed by the Chairman of the Board and concurred with by the majority of the Board.

Section 2 - Officers At the first regular Board meeting after each Annual Election Meeting, the members of the Board shall elect from its own members a Chairman, a Co-Chairman, a Secretary, and a Treasurer who shall hold office for one (1) year and until their respective successors are elected.

### **Article V Meetings**

Section 1 - Annual Election Meeting of the Association The Annual Election Meeting of the Association shall be held on such date as fixed by the Board, but no later than January 15, for the election of Directors, and for the transaction of other business which may properly be brought before the meeting for action. Notice of this Annual Meeting shall be mailed, emailed, or delivered to each member at least fifteen (15) days before the date of the meeting.

Section 2 - Regular Association Meetings Regular meetings of the membership of the association shall be held a minimum of four (4) times per year at a time and location designated by the Board of Directors. One meeting shall be held by December 15 of each year to approve

the budget and the annual association dues for the coming year. One meeting shall be held between February 15 and May 15 to plan capital improvements, the annual picnic, and other annual events. One meeting shall be held between August 15 and September 15 to review improvements, budget and start planning for the following year. An annual owners' meeting will be held in late November or early December of each year followed by a holiday party.

Section 3 - Special Meetings Special meetings of the Association shall be called by the Chairman, acting on behalf of the Board of Directors, or upon the written application of such member or members, not in arrears, on such issues as cannot be resolved at a regular association meeting, filed with the Secretary. Special meetings shall be held at a time and a place to be determined by the Board. A notice giving the place and time of the meeting and stating the nature of the business to be transacted shall be mailed, emailed, or delivered by the Secretary to each member of the Association at least fifteen (15) days prior to the meeting, and at such meeting no other business than that stated may be transacted.

Section 4 - Annual Election Meeting of the Board of Directors The Annual Election Meeting of the **Board** of Directors shall immediately follow the Annual Election Meeting of the Association.

Section 5 - Regular Board Meetings Regular meetings of the **B**oard of Directors shall be held on such dates as shall be designated by the Board.

Section 6 - Quorum of Association Meetings Seven (7) voting members of the Association represented in person or by proxy, including voting board members, shall constitute a quorum at any meeting unless the quorum for the item being voted on is defined in the Declaration.

Section 7 - Quorum of Board Meeting A quorum of any meeting of the Board of Directors shall consist of a majority of Directors present or available in person, or by telephone or by virtual meeting (e.g., ZOOM or some other application that allows for virtual video meetings).

Section 8 – Voting Subject to the provision for the vote by joint owners of a Lot, below, each voting member in good standing shall be entitled to vote on each matter submitted to a vote of the members, provided however that each such voting member shall be the sole beneficial owner of a residential building Lot or property in the Hawk Ridge subdivision. A member shall have one vote for each residential building Lot of which he or she is a beneficial owner. Where two or more owners own a lot (subdivision of lots is not permitted), such lot shall be allowed, and such joint owners shall designate and register with the secretary of the corporation the name of the owner entitled to cast such one vote. Votes may be submitted in person or by electronic mail.

Section 9 – Proxies All voting members shall have the right to be present and vote at any meeting of the Association by proxy. If any proxy submitted does not designate the proxy holder, the

same shall be voted in accordance with the majority vote of those present, either in person or by designated proxy. No member shall be entitled to vote more than three (3) proxies.

Section 10 – Cumulative Voting Cumulative voting by members at any meeting shall be expressly prohibited.

Section 11 - Order of Business at Association Meetings The order of Business at the Annual Election Meeting of the Association shall be as follows: Call to order, reading and disposition of any unapproved minutes, reports of officers, election of Directors, old business, new business, adjournment. The order of Business at other Meetings of the Association shall be as follows: Call to order, reading and disposition of any unapproved minutes, reports of officers, old business, new business, adjournment.

Section 12 – Order of Business at Board Meetings The order of Business at each regular Board of Directors meeting shall be as follows: Roll call vote of members present to assure that a quorum is present, reading and disposition of any unapproved minutes, reports of officers and committees, election of officers (at Annual Election Meeting of Board), unfinished business, new business, adjournment.

Section 13 - Parliamentary Rules In the conduct of all meetings, either membership or Board, Robert's Rules of Order shall govern.

## **Article VI Membership**

Section 1 - Membership Membership in the Association shall consist of persons owning a Lot in the Hawk Ridge Subdivision Section I in Harris Township, Centre County, PA. For the purposes of this provision, “owner” shall include person(s) owning a beneficial interest, as distinguished from a security interest, of a Lot in the subdivision.

Section 2 - Membership Fee Members will be assessed a membership fee to the Association upon purchase of an existing Lot or new Lot in the Hawk Ridge Subdivision Section I. The membership fee (CAP fee) is two (2) times the monthly assessment per existing Lot or new Lot purchased and is due at time of closing. The initial membership fee shall be \$150/month.

Section 3 - Annual Membership Dues The meeting notice for approval of budget and annual dues shall be sent no later than the second Thursday of November of the preceding calendar year for which the budget will apply. The meeting to approve the budget and annual dues must be held no later than second Thursday in December of the preceding calendar year for which the budget will apply, but no earlier than one month from the notice of the meeting. The Association dues will be adjusted annually. They will be determined by first dividing the

approved Annual Budget by the total number of lots owned by voting members in the Association on the date of the meeting, then rounding the number up to the nearest \$5.00 increment. The Annual Dues for each Homeowner are payable monthly or annually, in advance, unless otherwise notified by the Board. The penalty for late payment of dues is set out in the Declaration and the Rules and Regulations established from time to time by the Board, both of which are incorporated herein by reference.

## **Article VII Association Rules**

Section 1 - Formulation All Association Rules governing members and property shall be formulated by the Board and voted on by the members, and documented in the By-Laws, Declaration, and Rules and Regulations.

Section 2 - Publication Copies of all minutes, By-Laws and other documents governing the Association shall be available to all members, and the Secretary shall distribute such copies together with copies of any and all future amendments thereto to all members of the Association.

Section 3 - Registering Complaints Any complaint made by a member regarding violations of the Declaration, By-Laws, or Rules and Regulations, the conduct of another member or guest, the conduct or performance of any officer, director, committee member, or employee of the Association, or regarding any phase of the operation of any Association facility must be submitted in writing by such complaining member to the Secretary, who shall transmit it to the Board for final decision and disposition.

Section 4 - Enforcement and Penalties The Board is primarily responsible for the enforcement of Association Declaration, By-Laws, and Rules and Regulations, but the Board reserves the right to designate this responsibility to the PPM. If a complaint is made against a member for a violation of the restrictive covenants, the Board will review and determine if a violation occurred. The association member with the violation will be notified by the Chariman or PPM and will be given fourteen (14) days in such notice to respond to or correct the violation. If the violation is not corrected in the given time, the Association has the right to take legal action against the homeowner to correct the violation. In the event that legal fees or court costs are incurred by the Association to correct a violation, these costs will be the responsibility of the violating member. Fines may be levied against a member in accordance with the Rules and Regulations. It shall be the responsibility of the member to make certain that any tenant of that member's Home adheres to the Declaration, By-Laws, and the Rules and Regulations.

Section 5 – Appeal Any member shall have the right to appeal to the Board for any decision with respect to its interpretation and enforcement of any Declaration, By-Laws, or Rules and Regulations, and the Board's decision in all such matters shall be final. An appeal must be made

to the Board as a condition precedent to any legal action being commenced against the Association before a court of law.

**Article VIII**

**Maintenance and Improvements**

Section 1 - General Any maintenance or improvement needs will be brought to the attention of the Board in writing or as new business at an Association meeting. Expenses of more than \$500 must be quoted by three independent sources and presented to the Board. The Board will then vote for the vendor desired.

**Article IX**

**By-Law Amendments**

Section 1 - Procedures for Amending These By-Laws may be amended by a two-thirds (2/3rds) vote of a quorum of regular voting members represented in person or by proxy at any meeting of the Association, provided that the proposed amendment or amendments shall be distributed to the membership at least fifteen (15) days prior to the meeting at which the amendment or amendments are to be considered, but these restrictions shall not apply to the amending of a proposed amendment when being acted upon by the Association at the meeting.

IN WITNESS WHEREOF, the undersigned, being the secretary of the Association herein, has hereunto set his/her respective hand and seal on the day and year provided below.

Signed:

\_\_\_\_\_ (SEAL)

Secretary  
Hawk Ridge Homeowners Association Section I

\_\_\_\_\_

Date

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_