

**BYLAWS  
OF  
ENCHANTED FOREST PROPERTY OWNERS**

**ARTICLE I**

*Name*

Section 1. This Corporation shall be known as the Enchanted Forest Property Owners Association, hereinafter called the Association.

**ARTICLE II**

*Purpose*

Section 1. The specific purpose(s) for which the Association is formed is/are enumerated in its Articles of Incorporation. These include but are not limited to:

- a. Providing recreation facilities and activities for the benefit of its members.
- b. Providing for the maintenance and improvement of the area within and around the subdivisions known as Enchanted Forest, Enchanted Forest #2 and Enchanted Forest #3 located in Otsego Lake Township, Otsego County, State of Michigan.

**ARTICLE III**

*Office*

Section 1. The registered office of the Association shall be at such place in the State of Michigan as the Board of Directors, hereinafter called the Board, shall from time to time determine.

**ARTICLE IV**

*Membership*

Section 1. (Qualifications for Membership) The ownership of each lot in Enchanted Forest, Enchanted Forest #2, and Enchanted Forest #3 constitutes the owners thereof as members of the Association, provided that if more than one has common ownership, such ownership shall constitute only a single member of the Association, and no such lot shall have more than one such ownership, and further, provided that holders of mortgages, liens, encumbrances, easements, right of ways and holder of legal title under land contract or sellers under purchase agreements, shall not be considered owners of property for the purpose of determining Membership or eligibility for Membership in the Association.

Section 2. (Membership Rights) Person eligible for membership may exercise the rights of membership by appearance at a meeting of the members in person or by proxy or otherwise exercising the rights and privileges accorded to the members by the Association.

- a. Each member shall be entitled to the use of the common properties and facilities within the scope of reasonable rules established by the Board.
- b. Each member shall be entitled to address the Board at a duly called meeting of the Board. The time will be determined and announced by the Board.
- c. Each member has the right to seek election to the elected Board of the Association and vote in all Association elections.
- d. Each member is entitled to use any service provided by the Association.
- e. The Board may grant certain use privileges to non-members.

Section 3. (Membership Non-assignable) The membership and the rights and privileges of a member shall not be assignable other than in connection with the change of ownership of lots.

Section 4. (Records) The Association shall maintain a record of the Membership of the Association. Such records shall be open to inspection by a member upon request.

Section 5. (Member Duties) It shall be the duty of each member to:

- a. Furnish to the Association the address to which notices shall be sent.
- b. Comply with provisions of the Recorded Restrictions and other rules and regulations enacted by the Board, which are not in conflict with State, and Local provisions.
- c. Pay an annual maintenance fee and any special assessment(s) the amount of which shall be established by the Board.

Section 6. (Termination of Membership) In the event a person ceases to have the qualifications for membership, their membership will automatically cease and their successor in interest to those qualifications may exercise the rights of membership.

Section 7. (Restrictions on Membership) The Board may restrict the rights and privileges of Membership for failure to remit maintenance fees, special assessments, or for conduct in and around the common properties deemed detrimental to the Association and its members.

Section 8. (Rental of Property) The renting of a parcel of real property within Enchanted Forest, Enchanted Forest #2 or Enchanted Forest #3 shall not be deemed as a commercial use or commercial purpose subject to the following:

- a. All rentals must be pursuant to a written rental agreement or lease.
- b. The rental agreement or lease must be for single-family residential use only.

- c. The rental agreement or lease may be for no less a duration than twelve (12) calendar months.
- d. Possession of a parcel of real property within Enchanted Forest, Enchanted Forest #2 or Enchanted Forest #3 shall not be had by anyone other than the owner of the subject parcel more than twice within a calendar year beginning January 1 and ending December 31.
- e. The rental agreement or lease shall be subject to the approval of an EFPOA representative, the EFPOA Board of Directors having power to appoint such representative(s) for the purposes of reviewing rental agreements or leases.
- f. Under no circumstances shall possession and occupancy of a parcel of real property within Enchanted Forest, Enchanted Forest #2 or Enchanted Forest #3 be given to a third party holding or acquiring an option to purchase a parcel of real property within Enchanted Forest, Enchanted Forest #2 or Enchanted Forest #3.
- g. No rental shall be allowed if the owner of the parcel of real property within Enchanted Forest, Enchanted Forest #2 or Enchanted Forest #3 is not a member in good standing.

All other rentals but for those conforming with the conditions herein shall be considered to be a commercial use and/or commercial purpose and therefore prohibited.

## **ARTICLE V**

### *Voting*

Section 1. Each lot shall be entitled to one vote. Thus, a member shall be entitled to as many votes as lots owned. Each lot shall have one vote regardless of the number of common owners. Common owners must agree on the casting of the vote allocated to the lot.

Section 2. The vote of a membership held by two or more persons as joint tenants or as tenants in common may be cast or voted at a meeting of members by any of such persons, unless another joint tenant or tenant in common seeks to vote in person or by proxy. In the latter event, the written agreement, if any, which governs the manner in which the membership shall be voted controls if presented at the meeting. If no such agreement is presented at the meeting, the majority interest of the joint tenant or tenants in common present shall control the manner of voting. In case there is no such majority, the vote shall be divided among such joint tenants or tenants in common in accordance with their interest.

## ARTICLE VI

### *Fiscal Year*

Section 1. The fiscal year of the Association shall be the calendar year unless otherwise determined by the Board.

## ARTICLE VII

### *Member Meetings*

Section 1. (Annual Meeting of Members) The annual meeting of members of the Association for the election of Directors and for such other business as shall come before the meeting shall be held in the month of July of each year on a date, time, and place selected by the Board.

Section 2. (Special Meetings) Special meetings of the members may be called at any time by the President or upon written request of one hundred (100) members, in good standing, when submitted in writing to the Secretary of the Association.

Section 3. (Notice of Meetings of Members) Written notice of the time, place, and purposes of a meeting of members shall be given not less than ten (10), nor more than sixty (60) days before the date of the meeting by mail to each member of record entitled to vote at the meeting. Likewise, all meeting items to be considered at the Annual Meeting shall be duly submitted in advance of the meeting.

Section 4. (Quorum) The presence of seventy-five (75) members in good standing shall constitute a quorum for the transaction of Association business. The vote of a majority of the members present or represented by proxy at any meeting at which a quorum is present shall decide any question properly brought before the meeting, except as otherwise provided by the Articles of Incorporation, or Recorded Restrictions, the laws of the State of Michigan, or these bylaws.

Section 5. (Adjournment) A meeting may be adjourned by a vote of the members present.

Section 6. (Membership Records) The Secretary or other officer having charge of the membership records shall make and certify a complete list of the members entitled to vote at a members' meeting or any adjournment thereof. The list shall:

- a. Be produced at the time and place of the meeting.
- b. Be subject to inspection by any member during the whole time of the meeting.
- c. Be prima facie evidence as to who are the members entitled to examine the list or to vote at the meeting. If the requirements of this section have not been met on demand of a member who in good faith challenges the existence of sufficient votes to carry any action at the meeting, the meeting shall be adjourned until there is compliance with this requirement. Failure to comply with the requirements of this section does not affect the validity of an action taken at the meeting before the making of such a demand.

Section 7. (Record Date) For the purpose of determining members entitled to notice of meeting(s), the right to vote at meeting(s), the right to express consent or to dissent from a proposal without a meeting, or for the purpose of any other action, the Board may fix a date as a record date for any such determination of members.

Section 8. (Meeting Officers) The President or Vice President and Secretary of the Association shall act as Chairperson and Secretary, respectively of every meeting of members if present. The Chairperson shall assure that an agenda is prepared and made available to the Membership attending the meeting.

## **ARTICLE VIII**

### *Board of Director's Meeting*

Section 1. (Meetings of Board) The Board shall hold one regular meeting annually. Special meetings of the Board may be called by the President on his/her own initiative whenever in his/her judgment it may be deemed necessary or by the Secretary upon request of a majority of the Board. One week notice of special meetings of the Board shall be sent by mail to all Directors and shall be deemed sufficient notice of meetings. The seven (7) day period shall commence with the posting of said notice as attested by the Secretary.

Section 2. (Quorum) A majority of the members of the Board constitutes a quorum for the purpose of transacting Association business.

Section 3. (Place of Meeting) The meetings of members of the Board shall be held at such place as may be determined by the Board.

## **ARTICLE IX**

### *Election of Directors and Officers*

Section 1. (Election of Directors) The Directors of the Association shall be elected by a ballot vote prior to the Annual Meeting in July. The election will be held under the direction of an Elections officer, appointed by the Board. It will be the responsibility of said officer to see that a slate representing all property owners be presented each year and that all qualified electors be given due and timely notice of the election. Directors shall hold office until their successors are elected in accordance with these bylaws.

### Section 2. (No Contest)

a. In those instances in which the number of individuals nominated for the Board is equal to the number of vacancies to be filled, the Board may declare those nominated elected by acclamation.

b. In those instances in which the number of individuals nominated for the Board is less than the number of vacancies to be filled, the Board shall fill such vacancy(ies) as provided by Article X of these bylaws.

Section 3. (Qualifications of Directors) Directors shall be members in good standing of the Association who own at least one (1) lot.

Section 4. (Classes of Directors) In accordance with the Articles of Incorporation, the Board shall consist of nine (9) members. Board members shall be divided into three classes, with one-third of the members elected each year.

Section 5. (Election of Officers) The Board shall elect from among their number a President, Vice-President, Secretary, and Treasurer. These Officers shall hold their office for a term of one (1) year or until replaced by proper Board action. The meeting of the Board to elect officers either shall be immediately following the Annual Meeting of members or at a meeting scheduled in August following the Annual Meeting. Election and removal of officers is to be by two-thirds majority vote of the Board.

## **ARTICLE X**

### *Vacancies*

Section 1. If a vacancy occurs among the Officers or in the Board of Directors, the vacancy shall be filled for the unexpired term by the Board of Directors.

## **ARTICLE XI**

### *Duties of Officers*

Section 1. (President) The President shall be chief executive officer of the Association. He/she shall preside over all meetings of the Board and of the members. He/she shall have general and active supervision of the business of the Association, and shall appoint such committees as the President or the Association shall consider necessary.

Section 2. (Vice-President) He/she shall serve as President in the following circumstances:

- a. In cases, when the Office of President shall become vacant by the death, removal or resignation of the elected President.
- b. In cases, when the elected President is unable to serve due to disability or absence, such duties shall devolve upon the Vice President who shall serve as acting President and he/she shall do and perform such other acts as the Board may from time to time authorize him/her to do. When acting as President, the Vice President shall act with the full authority of the President except when specifically denied these powers by action of the Board.

Section 3. (Secretary) The Secretary shall keep the minutes of all meetings of the Association and of the Board and shall, upon requested produce appropriate minutes for members. He/she shall mail out all notices for meetings of the members or the Board. The Secretary shall perform such other duties as may be required by the President of the Board.

Section 4. (Treasurer) The Treasurer shall have custody of all Association funds and shall keep appropriate records. These include but are not limited to records of all receipts and disbursements. He/she shall deposit all monies in the name of the Association in such institutions as may be designated by the Board. He/she shall disburse the funds of the Association as authorized by the Board, assuring that proper vouchers are available as supporting documents. He/she will report to the Board and membership an account of transactions and other pertinent information at all scheduled meetings. The Board may require the Treasurer to secure bond for the faithful performance of his/her duties. The Board may direct that the Treasurer satisfy his/her duties by working closely with professionals retained to maintain Association records.

Section 5. (Execution of Instruments) The Officers shall, on being so directed by the Board, sign contracts or other instruments.

Section 6. (Succession) The order of succession to the Office of President shall be Vice-President, Treasurer, Secretary, and senior member of the Board in terms of length of tenure.

## **ARTICLE XII**

### *Duties and Powers of the Board of Directors*

Section 1. (Management) The Board of Directors shall have general charge and shall exercise overall management of the affairs, funds, and property of the Association.

Section 2. (Rule-Making) The Board may make rules for the conduct of the members and the use of the Association property, and define and limit the privileges of the members and their guests, not inconsistent, however, with anything set forth in these Bylaws and in the Recorded Restrictions, Articles of Incorporation or laws of the State of Michigan which are applicable to the lots. In enacting rules and regulations for the use of the Association property and expending the funds of the Association, the Board of Directors shall fairly consider the interests of both resident owners and non-resident owners of lots, which qualify the owners for Membership.

Section 3. (Unanimous Consent) If and when the Directors shall severally or collectively unanimously consent in writing to any action taken by the Association, such action shall be valid as though it had been authorized at a meeting of the Board.

Section 4. (Agents) The Board shall have the power to appoint agents for the transaction of the business of the Association. Any agent may be removed by the Board whenever in the judgement of the Board, the best interest of the Association will be served.

Section 5. (Employees) The Board shall have the power to hire employees.

Section 6. (Official Records) The proper officers and agents of the Association shall keep and maintain such books, records, and accounts of the Association's business and affairs and such lists of members as the Board shall deem advisable and as shall be required by laws of the State of Michigan.

Section 7. (Annual Statements) The Board and Officers of the Association shall prepare and distribute or cause to be prepared and distributed to the members of the Association such annual statements of the accounts, operations and properties of the Association as they shall deem advisable and as shall be required by the laws of the State of Michigan or other jurisdictions empowered to impose such requirements.

Section 8. (Indebtedness) The Board shall have the authority to borrow funds, to mortgage, pledge, or otherwise encumber the assets of the Association as security for properties of the Association, together with the right to assign, as further security, assessments, or maintenance fees due or to become due the Association.

Section 9. (Board Liability Insurance) If available, the Board shall secure a Board Errors & Omissions Liability Insurance Policy to protect Board members as they execute their responsibilities under the Articles of Incorporation, Deeded Restrictions, Bylaws, Rules and Regulations, and any other responsibility imposed upon them by the State of Michigan or any other jurisdiction have authority to regulate the Association.

Section 10. (Other Powers) The Board shall have such other powers as are set forth in these bylaws or as are necessary and incidental to carrying out the general affairs of the Association and enforcing the Deeded Restrictions, except as herein prohibited. Said miscellaneous powers and prohibitions to include:

- a. Providing such other services as may be deemed desirable by the Board. Said services may be rendered to the member at the expense of those receiving the services where services are of such a character so as not to be of mutual benefit to all owners.
- b. Engaging in such other activities as are incidental thereto when approved by the Board which are not forbidden by the laws of the State of Michigan or any of its political subdivisions.
- c. Promoting social activities.
- d. No Board member shall have or exercise any official authority or act in the name of the Association except at a regular or special meeting of the Board. The intent being that the authority of the Officers and Directors shall at all times only be exercised at Board meetings. This shall not limit specifically designated authority to committees or members of the Board that may be appointed from time to time or duties as set forth in these bylaws.
- e. No meeting of the Board may be held unless all elected members of the Board have been notified at least one (1) week prior to the scheduled meeting. Directors shall be considered notified if the Secretary or other responsible individual will attest that notice of meeting was actually sent.
- f. Absent Board members may vote for specific proposals on the agenda for a forthcoming meeting by placing their vote, in writing, in the hands of an attending Board member.
- g. A majority of the Board shall decide all matters voted upon at Board meetings unless otherwise stated in these bylaws. All votes shall be taken by Yeas and Nays and any Board member may demand a roll call vote, which will be entered in the minutes detailing the Yeas and Nays of the Board members on that issue.



h. All Board members shall receive minutes of the previous Board meeting and the agenda with copies of all known proposals on the agenda at least one (1) week prior to the next scheduled meeting.

i. It is the responsibility of each duly elected Board member to attend Board meetings. In the event any Board member fails to attend three (3) consecutive Board meetings, the Board member may be removed from his/her office, except when said Board member has a sufficient reason for his/her absence.

Section 11. (Collection Powers) The Board shall have the authority to recover any costs, including collection agency fees, for the collection of delinquent accounts.

### **ARTICLE XIII**

#### *Seal*

Section 1. The Association shall have a seal, which shall have inscribed thereon the name of the Association. The seal may be used by causing it or a facsimile to be imprinted, affixed, or otherwise added to Association documents.

### **ARTICLE XIV**

#### *Compensation*

Section 1. Neither the Officers, Directors, nor Members serving on committees shall receive any salary or compensation for services rendered to the Association, unless such payment shall be specifically authorized by the Board of Directors.

### **ARTICLE XV**

#### *Notices*

Section 1. All notices to members shall be mailed to the person to whom it is directed, at the address designated by that person for that purpose, or if none is designated, at that person's last known address.

### **ARTICLE XVI**

#### *Enforcement*

Section 1. All actual fees, costs and expenses of any kind incurred by the Association in attempting to collect unpaid maintenance fees or by reason of a Property Owner's or the Owner's family member's or guest's violation of the applicable restrictive covenants, by-laws or rules and regulations promulgated by the Board of Directors or that are incurred by the Association in ensuring compliance with said restrictive covenants, by-laws or rules and regulations shall be chargeable to the Owner and upon the recording of an affidavit of such actual fees, costs and expenses shall constitute a lien upon the real property of the Owner, which lien may be foreclosed upon as are real estate mortgages by advertisement or circuit court action.

## ARTICLE XVII

### *Amendments*

Section 1. These Bylaws may be amended by a two-thirds majority vote of the votes cast at a Membership Meeting provided notice of the purpose of the proposed amendment has been stated in the call for the meeting. These Bylaws may be amended by a two-thirds majority vote of the entire Board of Directors provided that notice of the amendment is proposed with the call for the meeting or that the final vote is held over until the next Board meeting.

**Adopted On:** December 31, 1983

**Amended On:** May 19, 1984; June 15, 1985; July 6, 1985; June 7, 1986; May 18, 1991;  
March 7, 1992; June 12, 1993; December 14, 1996; August 25, 2007;  
June 7, 2008