

BYLAWS  
OF  
UNAWEEP HEIGHTS HOMEOWNERS ASSOCIATION, INC.

As Amended *April 14, 2019*

ARTICLE I  
NAME AND LOCATION

Section 1. The name of the corporation is UnawEEP Heights Homeowners Association, Inc., hereinafter referred to as the "Association."

ARTICLE II  
DEFINITIONS

Section 1. "Association" shall mean and refer to UnawEEP Heights Homeowners Association, Inc., its successors and assigns.

Section 2. "Properties" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions and Restrictions of UnawEEP Heights Subdivision, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 3. "Common Area" shall mean all real property owned by the Association for the common use and enjoyment of the Owners.

Section 4. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Area.

Section 5. "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 a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation

Section 6. "Declaration" shall mean and refer to the Declaration of Covenants, Conditions and Restrictions applicable to the Properties recorded in the Office of Clerk and Recorder of Mesa County, Colorado.

Section 7. "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

## ARTICLE III

### MEETING OF MEMBERS

Section 1. Annual Meetings. The first annual meeting of the members shall be held within one year from the date of incorporation of the Association, and each subsequent regular annual meeting of the members shall be held on a weekday evening in the same month of each year thereafter, at the hour of 7:00 p.m.

Section 2. Special Meetings. Special meetings of the members may be called at any time by the president or by the Board of Directors, or upon the written request of one-fourth (1/4) of the members who are entitled to vote.

Section 3. Notice of Meeting. Written notice of each meeting of the members shall be given by, or at the discretion of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least fifteen (15) days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

Section 4. Quorum. The presence at the meeting of members entitled to cast, or of proxies to cast, ten percent (10%) of the votes of the membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these Bylaws. If, however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented.

Section 5. Proxies. At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his lot.

Section 6. Rules of Order. Meetings of the members shall be guided by Robert's Rules of Order when it is not in conflict with these Bylaws.

## ARTICLE IV

### BOARD OF DIRECTORS: SELECTION: TERM OF OFFICE

Section 1. Number. The affairs of this Association shall be managed by the board of seven (7) directors.

Section 2. Term of Office. At the first two annual meetings, the members shall elect directors for a term of one year. At subsequent annual elections, members shall elect the seven directors for a term of two years in a staggered manner so that either 2 or 3 members are elected annually. Newly elected directors will commence their terms 30 days after the annual election.



And serve two (2) years or until such time as a new board is in place unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 3. Removal. Any director may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death, resignation or removal of a director, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor

Section 4. Compensation. No director shall receive compensation for any service he may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties.

Section 5. Action Taken without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a Board of Directors meeting by obtaining the written approval (including email approval) of a majority the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

## ARTICLE V

### NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two or more members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting until the close of the next annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations shall be made from among members.

Section 2. Election. Election to the Board of Directors shall be by secret written ballot. At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under. The provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

Section 3. Qualifications for board members. Board members must be legal homeowners who live in the Unawep Heights subdivision.

## ARTICLE VI

### MEETINGS OF DIRECTORS

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the president of the Association, or by any two directors, after not less than three (3) 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.

Section 4. Rules of Order. Meetings of the members shall be guided by Robert's Rules of Order when it is not in conflict with these Bylaws.

## ARTICLE VII

### POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1. Powers. The Board of Directors shall have power to:

A. adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;

B. suspend the voting rights and right to use of the irrigation facilities of a member during any period in which such member shall be in default in the payment of any assessment or fine levied by the Association. Such rights may also be suspended for a specified length of time after notice and hearing for infraction of published rules and regulations not resulting in a fine or assessment;

C. exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration;

D. declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors; and



E. employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

Section 2. Duties. It shall be the duty of the Board of Directors to:

A. cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting when such statement is requested in writing by five-sevenths (5/7) of the members who are entitled to vote;

B. supervise all officers, agents and employees of this Association, and to see that their duties are properly performed;

C. as more fully provided in the Declaration, to:

(1) Fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period;

(2) send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and

(3) Foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the Owner personally obligated to pay the same.

(4) issue, or to cause an appropriate officer to issue, upon demand by any persons, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(5) Procure and maintain adequate liability and hazard insurance on property owned by the Association;

(6) cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate

(7) Cause the Common Area to be maintained.

## ARTICLE VIII

### OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Offices. The officers of this Association shall be a president and vice-president, who shall at all times be members of the Board of Directors, a secretary and a treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2. Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

Section 3. Term. The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year or until a new Board is in place unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 4 Special Appointments.. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 7. Multiple Offices. The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

Section 8. Duties. The duties of the officers are as follows:

A. President. The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments; shall co-sign all promissory notes and shall co-sign all checks (or delegate this responsibility as per Article VII. Section 1.e. - see above).

B. Vice-President. The vice-president shall act in the place and stead of the president in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board.



C. Secretary. The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their addresses; and shall perform such other duties as required by the Board.

D. Treasurer. The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members. Some or all of the duties of the Treasurer may be delegated as per Article VII. Section 1.e. (see above), however, the Treasurer shall be responsible for monitoring and auditing all delegated responsibilities.

## ARTICLE IX

### COMMITTEES

Section 1. Nominating Committee. The Association shall appoint a Nominating Committee, as provided in these Bylaws.

Section 2. Architectural Control Committee (ACCO). The Association shall appoint an Architectural Control Committee ("ACCO") composed of three (3) members. The composition of this committee is defined in Article VI of the Declaration of Covenants, Conditions and Restrictions of UnawEEP Heights Subdivision. Each member shall serve for three (3) years unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve. The initial and subsequent appointments to this committee may be for less than three (3) years in a manner which will assure continuity in the committee membership from year to year. Any committee member may be removed from the committee with or without cause by the Board. The board will have approval and oversight authority over the ACCO committee.

Section 3. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.

ARTICLE X  
BOOKS AND RECORDS

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation and the Bylaws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

ARTICLE XI  
ASSESSMENTS

As more fully provided in the Declaration, each member is obligated to pay to the Association annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the Association shall assess a twenty five dollar (\$25) monthly late fee and the Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his Lot.

ARTICLE XII  
CORPORATE SEAL

The Association shall have a seal in circular form having within its circumference the words:  
UnawEEP Heights Homeowners Association, Inc.

ARTICLE XIII  
AMENDMENTS

Section 1. These Bylaws may be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person or by proxy.

Section 2. In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.



## ARTICLE XIV

### RENTAL PROPERTY POLICY AND PROCEDURE

Section 1. Scope. To adapt a procedure and policy to be followed when owners chose to use their residence as an investment (rental) property.

Section 2. Specifics. In the interest of protecting homeowners, families, and preserving property values within the community, the association has developed a standard set of policies addressing the rental/leasing of homes within the community.

- A. No property shall be leased as anything other than a single-family residence and occupancy limits set by the City of Grand Junction shall apply.

No short term (less than one month) leases be of at least six (6) month duration.

Section 3. Documents. All items listed below must be kept up to date with the managing agent for the association within 10 days of any change.

- A. Mailing address and phone number of the legal owner.
- B. Mailing address and phone number of rental management company (if applicable)
- C. Current list of tenants names and phone numbers

Section 4. Responsibilities of owners and Tenants.

- A. Owners must provide tenants with the governing documents of the Association. Tenants must abide by the governing documents of the Association.
- B. The landlord is responsible for the conduct of the tenant and the tenants guest and will be assessed fines if the tenant is not in compliance with the Association Governing Documents.
- C. All tenant violations will be directed to the landlord and the tenant in writing. The landlord must take action to resolve the violation with its tenant to avoid fines.
- D. It is the responsibility of the landlord to pay all fines on time. The landlord may in turn assess these fines along to their tenant.
- E. Tenants will communicate to the Association through their landlord.

Section 5. Screening. Owners who lease their property have a responsibility to all other residents who live in the association to provide renters who have been properly screened. For the protection of the owner it is suggested that credit and background reports be done on all potential tenants.

Section 6. Amendment. The board of Directors may amend this procedure from time to time.

## ARTICLE XV MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of April and end on the 31st day of March of every year, except that the first fiscal year shall begin on the date of incorporation.



IN WITNESS WHEREOF, we being all of the UnawEEP Heights Homeowners Association, Inc., Have Hereunto set our hands this 30<sup>th</sup> day of May, 2019.

Robert Larimer

James M. McKenzie

Michelle Davis

James M. McKenzie

James M. McKenzie

James M. McKenzie

James M. McKenzie

CERTIFICATION THAT I am the duly elected and acting president of UnawEEP Heights Homeowner Association, Inc., a Colorado corporation, and, THAT the foregoing Bylaws constitute the original and amended Bylaws of said Association, as duly adopted at a meeting of the board of directors thereof, held on the 30<sup>th</sup> day of May, 2019

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this 30<sup>th</sup> day of May 2019.

Robert Larimer

Robert Larimer, President



## FIRST AMENDMENT TO THE BY-LAWS OF UNAWEEP HEIGHTS HOMEOWNERS ASSOCIATION

This FIRST AMENDMENT TO THE BY-LAWS OF UNAWEEP HEIGHTS HOMEOWNERS ASSOCIATION is made as of the specific meeting dates referenced, by a vote of a majority of a quorum of members present in person or by proxy of the UnawEEP Heights Homeowners Association ("Association").

A. The Bylaws for UnawEEP Heights Homeowners Association were adopted in 2003.

B. In Article XIII, Section 1 of the Bylaws states that the Bylaws may be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person or by proxy.

In accordance with the above, the Members hereby amend the Bylaws as follows:

1. **Per the May 19, 2021 Annual Meeting**, Article XI, Assessments shall be amended to read in its entirety as follows:

"As more fully provided in the Declaration, each member is obligated to pay to the Association annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within (10) days after the due date, the Association shall assess a twenty five dollar (\$25) monthly late fee and the Association may bring an action at law against the Owner personally obligated to the same or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his lot".

In all other respects, the Bylaws of UnawEEP Heights Homeowners Association shall remain in full force and effect.

Effective this 14th day of June, 2021.

UNAWEEP HEIGHTS HOMEOWNERS ASSOCIATION  
A Colorado nonprofit corporation

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

*T. J. McKenzie*  
*T. J. McKenzie*  
*Treasurer*