

Beach ownership by laws

Seaside Terrace H.O. association

S.T.A.S.T. - I

ORIGINAL
By LAWS

is \$100/year to maintain

BY-LAWS

beach road etc.

The following shall be the Bylaws of the S.T.A.S.T. - I.

ARTICLE I

MEMBERSHIP

Section 1 There shall be at least one membership in this corporation for each lot in the subdivision commonly known as S.T.A.S.T. - I as recorded in Kitsap County, Washington, as such lots are defined in the Covenants applicable to such properties. The incorporators shall each have a membership in this corporation. Each membership for a lot in S.T.A.S.T.-I shall be appurtenant to and not severable from the title to one such and no appurtenant membership shall be assigned or transferred voluntarily or by operation of the law except in conjunction with the transfer of title to a lot to which it is appurtenant. The fee owners of a lot in S.T.A.S.T.-I shall be entitled to a membership for each lot they own and the membership shall stand in the name of the owner of the lot to which it is appurtenant as such owners appear of record in Kitsap County, Washington, except in the case of the sale of a lot by contract. A record contract vendee of a lot shall be entitled to membership until the vendee's interest is terminated of record in lieu of the owner thereof, and in the case of an unrecorded contract or forfeiture, the vendor's notice to the corporation of the sale contract or forfeiture shall be deemed record notice. The corporation shall be bound by notice from an owner of record.

Section 2 Each membership shall entitle the persons owning or residing on a lot to which the membership is appurtenant and their families to the use and enjoyment of the property and facilities of the corporation subject to the rules and regulations as may be adopted for the use thereof and payment of charges for the use thereof as may be adopted by the corporation unless suspended as hereafter provided. In the event a partnership or corporation shall have a membership, then it shall have the right to name the persons, not to exceed five for each membership it holds, who shall be entitled to use and enjoy the properties and facilities of the corporation.

Section 3 By unanimous vote of the trustees of the corporation present at any meeting called for the purpose of suspending rights and privileges of membership, any person or persons entitled to the rights and privileges of membership may be suspended therefrom (a) for non-payment of assessments and charges until such time as the same are fully paid, or (b) for failure to comply with the rules and regulations of the corporation until such as the trustees deem advisable not to exceed one year. If suspension is for failure to comply with the rules and regulations, the suspended person may appeal to the next meeting of the membership which may overrule or modify the decision of the trustees by vote of 80 per cent of the membership from its obligations to pay assessments and charges. The trustees shall suspend no person or persons from the rights and privileges of membership unless such person or persons shall have been noticed of such proposed action, except in the case of non-payment of assessments or charges.

SECTION 4 Each membership shall have one vote on all matters before a meeting of membership. Votes may be cast in person or by written proxy

delivered to the corporate secretary before the commencement of the meeting.

Section 5 There shall be a semi-annual meeting on the first Tuesday in July of each year commencing in 1980 at 7:00 p.m. at a designated place. Special meetings of the membership may be called at any time by the corporate president, any two trustees, or 20 per cent of the membership. Not more than 20 days nor less than 5 days prior to the date fixed for the meeting of the membership written notice thereof shall be mailed to each membership at the respective addresses of the holders of membership shown on the corporate records.

Section 6 There shall be no initiation fee for memberships, The trustees may levy upon each membership an annual maintenance assessment as determined to be necessary to meet the operational and maintenance expenses of the corporation and to provide for reserves to maintain the corporation on a sound financial basis. The trustees may by contract with another person, firm or corporation, establish a method of determining maintenance assessments. Until July, 1980 the maintenance assessment shall be \$52.00 per year. No assessment shall be payable until a lot to which a membership is appurtenant has been first sold after the time the plat creating such lot is filed of record. The trustees may establish charges for the use of the corporate facilities and services from time to time as they deem advisable.

Section 7 Subject to the affirmative vote of two-thirds of the membership present at any meeting of membership, a capital assessment may be established for the purpose of making capital additions to the properties of the corporation. Such capital assessments may be made payable over a period of years.

Section 8 Maintenance and capital assessments shall be based upon the number of single family dwelling units located upon the lot to which a membership is appurtenant. Charges for use of the corporate facilities and services may differ on the basis of the facilities used by the persons having membership, however, all such charges and the assessments against the memberships to which lots are appurtenant shall be the same.

Section 9 The trustees shall prepare or cause to be prepared for each year commencing January, 1980, a budget of the corporation. Such budget shall be made available to the membership. The trustees may not expend more than the total amount of such budget but shall not be obligated to the allocation of funds provided for therein; provided, however that if the trustees determine a bonafide emergency exists, they may make such additional expenditures as they deem advisable to meet such emergencies.

Section 10 Although membership in the corporation by virtue of ownership of a lot in S.T.A.S.T.-I shall be appurtenant to the ownership of the lot as provided above, the corporation shall not be liable to ascertain ownership of any lot or the persons entitled to membership until actual written notice of a change of membership has been given the secretary of the corporation.

Section 11 The membership may establish the terms and conditions upon which persons who are not owners of lots in S.T.A.S.T.-1 may have membership in the corporation, which terms and conditions may include membership fees, the duration of membership and such other conditions of membership as they deem advisable.

ARTICLE II

Trustees

Section 1 The management of the property, interests, business and affairs of the corporation shall be vested in the hands of a board of trustees of five persons elected from the persons entitled to the rights and privileges of membership.

Section 2 The trustees elected at the first meeting of membership shall each be elected for a term ending the first Tuesday of July, 1981 and until the election and qualification of his successor. At the annual meeting of the membership in 1980, five trustees shall be elected, two of whom shall serve a term of one year and three of whom shall serve for a term of two years and until the election and qualification of their respective successors. Thereafter each trustee shall be elected for a term of two years and until the election and qualification of his successor. Any vacancy occurring in the trustees may be filled by selection of the remaining trustees of the remainder of the term in which the vacancy occurs.

Section 3 There shall be an annual meeting of the board of trustees immediately following the annual meeting of the membership and such other special meetings of the board of trustees as they deem advisable. Special meetings of the board of trustees may be called by the corporate president or any trustee by giving oral notice thereof to all the trustees.

Section 4 . A majority of the trustees shall constitute a quorum for transaction of business. The trustees shall elect (a) a president, who shall be a trustee and shall preside at all corporate meetings, (b) a secretary, who shall keep and have custody of, account for, and disburse the corporate funds. The trustees may designate persons from time to time who may borrow funds, draw checks and drafts, and convey properties on behalf of the corporation. The trustees may employ a general manager of the corporation who may be delegated such authority as the trustees deem advisable from time to time as well as other employees as may be necessary or desirable in the opinion of the trustees. The trustees may elect such other officers as they deem necessary.

Section 5 The secretary shall keep at all times a current list of the persons or firms in whose name the memberships stand and of the persons entitled to the rights and privileges of membership and shall cause all notices of meetings to be given as herein provided. The trustees may authorize such compensation as they deem advisable to the officers and employees of the corporation for services performed.

Section 6 The trustees may adopt rules and regulations from time to time, which shall be applicable to all memberships appurtenant to lots, for the use of the corporate facilities. Such rules and regulations shall be subject to modification or change at any time by a vote of 75 per cent of the memberships present at any meeting called for that purpose.

Section 7 The trustees may establish such surplus funds and reserve funds as they deem necessary to the end that the corporation shall be in sound financial condition to meet its obligations and maintain its property. The trustees may authorize such contracts and other corporate obligations as they deem necessary or adviseable for the proper maintenance and development of the corporate property and may authorize borrowing of such sums on behalf of the corporation and give such security therefore as they deem appropriate with 75% membership approval. Each officer shall perform such other duties as the trustees may direct from time to time.

Section 8 Any trustee may be removed from office by an affirmative vote of 75 per cent of the memberships present.

ARTICLE III

MISCELLANEOUS

Section 1 Conduct of all meetings of membership of trustees shall be governed by Roberts Rules of Order as revised and then current.

Section 2 No membership appurtenant to a lot in S.T.A.S.T.-1 may be terminated. Memberships not appurtenant to a lot in S.T.A.S.T.-1 may be terminated by voluntary written resignation made by the person, firm or corporation in which name the membership stands or for cause by unanimous vote of the trustees present at a meeting of trustees called for that purpose, provided that such person, firm or corporation shall have been given at least 10 days prior written notice by mail to the address shown on the corporate records of the proposed action. No person, firm or corporation shall be entitled to any payment or compensation whatsoever because of termination of a membership.

Section 3 Each director and officer of the corporation shall be indemnified and held harmless by the corporation and shall be reimbursed by the corporation for all expenses including attorney's fees, reasonably incurred by him or judgments rendered against him in connection with any action, proceeding or suit to which he is made a party by reason of his being or having been an officer or director of the corporation, unless it shall be determined therein that such officer or director is found guilty of gross misconduct or fraud upon the corporation. Such indemnification shall inure to the benefit of his heirs and personal representatives and shall not require any other contract or agreement than expressed herein.

Section 4 The rights and obligations of this corporation and its membership as expressed in that certain covenants on Plat of S.T.A.S.T.-1 and of Declaration of Covenants and Restrictions Assigned Thereto as the same appears of record in Kitsap County, Washington are incorporated herein by this reference.

ARTICLE IV

AMMENDMENTS

These Bylaws may be amended by vote of two-thirds of all of the membership present at any annual meeting or special meeting called for that purpose provided that a quorum of 10 votes are present.

ARTICLE V

DISSOLUTION

The corporation may be dissolved and its affairs would up voluntarily by the written request of two-thirds of the members addressed to the trustees specifying the reasons why the winding up of the affairs of the corporation is deemed adviseable and naming three persons who are entitled to the rights and privileges of membership to active liquidation. The request shall be filed with the trustees, the secretary of state and the county auditor where the principal place of business of the corporation is located. Thereupon the power of the trustees shall cease and the persons appointed shall proceed to wind up the corporation, realize upon its assets, pay its debts and divide the residue of the money among its membership in equal proportions. However, notwithstanding the foregoing, in any dissolution of this corporation, its rights and obligations with reference to maintenance of the roads and water system in S.T.A.S.T.-1 shall be or shall have been transferred and assumed by a private corporation acceptable to 80 percent of the entire membership or by a municipal corporation and a right shall be granted or exist with reference to each lot to which a membership is appurtenant to use the roads in S.T.A.S.T.-1, to have water service available to the lot and to use any portion of S.T.A.S.T.-1 with reasonable access thereto which the corporation may acquire. The request for dissolution shall state the time for completing the winding up and dissolution during which time these matters shall be completed unless further time is granted by writing signed by two-thirds of the members and filed as required by law.

The foregoing are the Bylaws of S.T.A.S.T.-1 and adopted at the first meeting of membership held on _____.

/s/ Jo Ann Westergreen
Secretary

- e) To keep records of building permits and other books and records showing all charges, levies, and assessments made; to furnish certified copies of any record which the board of Directors may authorize to be furnished; to issue certificates of completion and compliance covering respective parcels of property upon which buildings, structures and other improvements have been erected or made, all as provided in the restrictions, conditions and covenants affecting said property or portions thereof, and to make and collect charges covering the cost and expense of such acts as directed.
- f) To enforce liens, charges, restrictions, conditions and covenants existing upon or created for the benefit of parcels of real property over which said corporation has jurisdiction and to which said parcels may be subject to the extent that said corporation has the legal right to enforce the same, and to pay all expenses incidental thereto.
- g) To pay the taxes and assessments which may be levied by any public authority upon any of its property or any property made available for use by its members.
- h) To exercise such powers of control, interpretation, construction, consent, decision, determination, modification, amendment, cancellation, annulment, and enforcement of covenants, reservations, restrictions, liens and charges imposed upon any property, as may be vested in, delegated to, or assigned to said corporation and such duties with respect thereto as may be assigned to and assumed by said corporation.
- 9) To appropriate, purchase, divert, acquire and store water from lakes, streams, water courses, wells or any other sources, and to distribute the water so appropriated and acquired to its members for use upon the lands of said members and for domestic purposes; to acquire, own, construct, hold possess, use and maintain such pumping plants, tanks, pipe lines, reservoirs, ditches, buildings, water rights and shares of stock in other corporation as said corporation may from time to time desire to acquire or purchase for furnishing and supplying water to its members and for the irrigation of land and domestic and other useful and beneficial purposes.
- j) To fix, establish, levy, and collect charges and assessments as reasonably required to carry out the purposes for which this corporation is formed.
- k) To expend the monies collected by said corporation from assessments and charges and other sums received for the payment and discharge of costs, expenses, and obligations incurred by said corporation in carrying out the purposes for which said corporation is formed.
- l) To borrow money and mortgage, pledge or hypothecate any or all of the real or personal property of said corporation as security for money borrowed or debts incurred; and to do any and all things that a corporation organized under said laws of the State of Washington may lawfully do when operating for the benefit of its members or the property of its members, and without profit to said corporation.
- m) Generally, to do and perform any and all acts which may be either necessary or proper for or incidental to the exercise of any of the foregoing powers and such powers granted by the provisions of Title 24, Revised Code of Washington, and other laws of the State of Washington relating to non-profit corporations.

n) To have one or more offices at such place or places. either within or without the State of Washington as the Board of Directors may from time to time determine or the business of the corporation require.

ARTICLE III

The location of the principal place of business of the Corporation shall be Kitsap County, Washington, The Corporation's registered office address shall be 15114 Starr Pl. S.E. Olalla, Washington until the same is changed in the manner prescribed by law.

ARTICLE IV

The duration of the corporation shall be perpetual.

ARTICLE V

The corporation shall have no capital stock and no shares therein shall be issued. The five undersigned incorporators shall constitute the first members of the corporation. The terms of admission to membership in the corporation shall be such as are prescribed by the Bylaws of the corporation and by the terms and conditions of such declarations of covenants and restrictions as shall hereafter be filed of record with the Auditor of Kitsap County, State of Washington relating to the real property legally referred to in Article II hereof. The interest of each member shall be equal to that of any other, and no member can acquire any interest which will entitle him to any greater voice, vote, authority or interest in the corporation than any other member.

ARTICLE VI

The activities and affairs of the corporation shall be managed and directed by a Board of Directors. The number, qualifications, terms of office, manner of election, time and place of meeting and powers and duties of such Directors shall be prescribed by the Bylaws of the corporation; provided, that the number of Directors shall not be less than five (5). The authority to make and alter the Bylaws of the corporation is hereby expressly invested in the Board of Directors of the corporation, subject to the power of the members to change or repeal such Bylaws, and provided, also that the Board of Directors shall not make or alter any Bylaws fixing their qualifications, classifications or terms of office. The following persons shall constitute the members of the first Board of Directors of the Corporation, who shall serve for such length of time, not less than two months nor more than six months from the date hereof as shall elapse, until successor Directors are elected at a duly convened meeting of the members of the Corporation:

TOM FARLEY
JIM WESTERGREEN
JO ANN WESTERGREEN
LARRY KETCHUM
JOHN BROWN

IN WITNESS WHEREOF, we have hereunto set out hands this _____
day of _____, _____.

/s/ Tom Farley

/s/ Jim Westergreen

/s/ Jo Ann Westergreen

/s/ Larry Ketchum

/s/ John Brown