

BY-LAWS  
OF  
COUNCIL OF CO-OWNERS  
FOUR SEASONS CONDOMINIUM ASSOCIATION, INC  
(Amended 2/15/03)

ARTICLE I

Definitions

Section 1. "Association" shall mean and refer to the FOUR SEASONS CONDOMINIUM ASSOCIATION INC., a non-profit association organized and existing under the laws of the State of Arizona.

Section 2. The "Properties" shall mean and refer to lots one (1) through twelve (12) inclusive, ChaVern Villa, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 75 of Maps, page 35 thereof.

Section 3. "Common Properties" shall mean and refer to all properties owned and maintained by the Association for the common benefit and enjoyment of the residents within The Properties.

ARTICLE II

Membership Rights

Section 1. The rights of membership are subject to the payment of monthly and special assessments levied by the Association, the obligation of which assessments is imposed against each owner of and becomes a lien upon the property against which such assessments are made as provided by the Declaration of Covenants and Restrictions, to which The Properties are subject and duly recorded in the Maricopa County Recorder's office.

Section 2. The membership rights of any person whose interest in The Properties is subject to assessments under Article II, Section 1., whether or not he be personally obligated to pay any such assessments, may be suspended by action of the Directors during the period when the assessments remain unpaid; but, upon payment of such assessments his rights and privileges shall be automatically restored. If the Directors have adapted and published rules and regulations governing the use of the common properties and facilities, and the personal conduct of any person thereon, as hereinafter provided, they may, in their discretion, suspend the rights of any such person for violation of such rules and regulations in accordance with the Declaration of Covenants, Conditions and Restrictions.

### ARTICLE III

#### Property Rights and Rights of Enjoyment of Common Property

Section 1. Each member shall be entitled to the use and enjoyment of the common properties and facilities as provided by deed of dedication and by the Declaration Covenants applicable to The Properties.

Section 2. Any member may delegate his rights of enjoyment in the common properties and Facilities to the members of his family who reside upon The Properties or to any of his tenants who reside thereon. Such member shall notify the Secretary in writing of the name of any such person and the relationship of the member to such person. The rights and privileges of such person are subject to suspension under Article II, Section 2, to the same extent as those of the member.

### ARTICLE IV

#### Vacancies in Board of Directors

Vacancies in the Board of Directors shall be filled by the majority of remaining directors, any such appointed director to hold office until his successor is elected by the Members, who may make such election at the next annual meeting of the Members or at any special meeting duly called for that purpose.

### ARTICLE V

#### Election of Directors:

Section 1. Election to the Board of Directors and officers shall be by written ballot at the annual meeting. At such election, the members or their proxies may cast, in respect of each vacancy, as many votes as they are entitled to exercise under the provisions of the recorded covenants applicable to The Properties. The names receiving the largest number of votes shall be elected.

Section 2. Nominations for election to the Board of Directors and officers shall be made from the floor at the annual meeting.

Section 3. All elections to the Board of Directors and officers shall be made on written ballot which shall: (a) describe the vacancies to be filled; (b) set forth the names of those nominated

Section 4. Each member shall receive as many ballots as he has votes. Notwithstanding that a member may be entitled to several votes, he shall exercise on any one ballot only one vote for each vacancy shown thereon.

Section 5. (as amended February 1, 1975) The Board of Directors shall consist of five members and a quorum of three will be required for a Board meeting.

## ARTICLE VI

### Powers and Duties of the Board of Directors

Section 1. The Board of Directors shall have power:

- (a) To call special meetings of the members whenever it deems necessary and it shall call a meeting at any time upon written request of one-fourth (1/4<sup>th</sup>) of the voting membership, as provided in Article IX, Section 2.
- (b) To appoint and remove at pleasure all officers; agents and employees of the Association, prescribe their duties, fix their compensation, and require of them such security or fidelity bond as it may deem expedient. Nothing contained in these By-Laws shall be construed to prohibit the employment of any Member, Officer or Director of the Association in any capacity whatsoever.
- (c) To establish, levy and assess, and collect the assessments charges referred to in Article II, Section 1.
- (d) To adapt and publish rules and regulations governing the use of the common properties and facilities and the personal conduct of the members and their guests thereon.
- (e) To exercise for the Association all powers, duties and authority vested in or delegated to this Association, except those reserved to the meeting of the members or to the members in the covenants.

- (f) In the event that any member of the Board of Directors of this Association shall be absent from three (3) consecutive regular meetings of the Board of Directors, the Board may by action taken at the meeting during which said third absence occurs, declare the office of said absent Director to be vacant.

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

- (a) To cause to be kept a complete record of all its acts and affairs and to present a statement thereof to the members at the annual meeting of the members or at any special meeting when such is requested in writing by one-fourth (1/4<sup>th</sup>) of the voting membership.
- (b) To supervise all officers, agents and employees of this Association, and to see that their duties are properly performed.
- (c) To prepare a roster of the properties and assessments applicable thereto which shall be kept in the office of the Association and shall be open to inspection by any member, and, at the same time.
- (d) To send written notice of each assessment to every unit owner subject thereto.
- (e) To issue, or to cause an appropriate officer to issue, upon demand by any person a certificate setting fourth whether any assessment has been paid. Such certificate shall be conclusive evidence of any assessment therein stated to have been paid.

## ARTICLE VII

### Directors' Meetings

Section 1. Special meetings of the Board of Directors shall be held when called by any officer of the Association or by any two directors after not less than three (3) days' notice to each director.

Section 2. The transaction of any business at any meeting of the Board of Directors, however called and noticed, or wherever held, shall be as valid as though made at a meeting duly held after regular call and notice if a quorum is present and, if either before or after the meeting, each of the directors not present signs a written waiver of notice, or a consent to the holding of such meeting, or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records and made part of the minutes of the meeting.

Section 3. The majority of the Board of Directors shall constitute a quorum thereof.

## ARTICLE VIII

### Meetings of Members

Section 1. The officers shall be a President, Vice President, and a Secretary-Treasurer.

Section 2. The officers shall be chosen by a majority vote of the members

Section 3. All officers shall hold office for the term of one year.

Section 4. The President shall preside at all meetings of the Board of Directors, shall see that orders and resolutions of the Board of Directors are carried out and sign all notes, leases, mortgages, deeds and all other written instruments.

Section 5. The Vice President shall have such duties as may be designated by the President and the Board of Directors. In the absence of the President, the Vice President shall have his powers and perform all his duties.

Section 6. The Secretary-Treasurer shall be ex-officio the secretary of the Board of Directors, shall record the votes and keep the minutes of all proceedings in a book to be kept for the purpose. He shall sign all certificates of membership. He shall keep the records of the Association. He shall record in a book kept for that purpose the names of all members of the Association together with their addresses as registered by such members. He 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, provided, however, that a resolution of the Board of Directors shall not be necessary for disbursements made in the ordinary course of business conducted within the limits of a budget adapted by the Board. The Secretary-Treasurer, President or Vice President shall sign all checks and notes of the Association, or the Secretary-Treasurer may designate that duty to the management of the Association.

Section 7. The Secretary-Treasurer shall keep proper books of account and cause an annual audit of the Association books to be made by the Secretary-Treasurer and one other member of the Association at the completion of each fiscal year. He shall prepare an annual budget and an annual balance sheet statement and the budget and balance sheet statement shall be presented to the membership at its regular annual meeting.

## ARTICLE IX

### Meetings of Members

Section 1. (as amended February 1, 1975) The regular annual meeting shall be held on the third Saturday of February at 2:00 PM, *or a date determined by the Board of Directors*

Section 2. Special meetings of the members for any purpose may be called at any time by the President, Vice President, The Secretary-Treasurer, or by any two or more members of the Board of Directors, or upon written request of the members who have a right to vote one-fourth of all the votes of the entire membership.

Section 3. Notice of any regular meeting shall be given to the members by the Secretary-Treasurer. Notice may be given to the member either personally, or by sending a copy of the notice through the mail, postage thereon fully prepaid to his address appearing on the books of the Association. Each member shall register his address with the Secretary-Treasurer and notices of meetings shall be mailed to him at such address. Notice of any meeting regular or special shall be mailed at least six (6) days in advance of the meeting and shall set fourth in general the nature of the business to be transacted, provided, however, that if the business of any meeting shall involve an election governed By Article V or by the Covenants applicable to the Properties, shall be given or sent therein provided.

## ARTICLE X

### Proxies

Section 1. At all Association meetings of members, each member may vote in person or by proxy.

Section 2. All proxies shall be in writing and filed with the Secretary-Treasurer. No proxy shall extend beyond a period eleven (11) months, and every proxy shall automatically cease upon the sale by the member executing it of his home or other interest in The Properties.

## ARTICLE XI

### Books and papers

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to the inspection of any members.

## ARTICLE XII

### Amendments

Section 1. These By-Laws may be amended by a majority of the Board of Directors at a regular or special meeting of the Board, or by the members 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, provided any matter stated herein to be or which is, in fact, governed by the Covenants and Restrictions applicable to The Properties may not be amended except as provided in such Covenants and Restrictions.

Section 2. In the case of any conflict between the Covenants and Restrictions applicable to The Properties referred to in Section 1, and these By-Laws, the Covenants and Restrictions shall control.

Section 3. Any conflict between Arizona State Statues regarding condominiums and the Four Season's Condominium Association By-Laws and/or Declaration, the State of Arizona Statues shall apply.

Addendum # 1 Effective February 16, 2002  
ANIMALS - No more than two (2) Animals shall be housed per unit.  
No feeding of outdoor animals.

Addendum # 2 Effective February 16, 2002  
POOL - The pool shall be heated from February 1<sup>st</sup> to May 1<sup>st</sup> of each year.

Addendum # 3 Effective February 15, 2003  
SIGNS - For Sale/For Rent and other signs shall not be permitted in the windows or on the buildings.

Addendum # 4 Effective February 15, 2003  
Window replacement shall conform to unit 4. Tempered glass is required where applicable and a white aluminum outer edge.

IN WITNESS WHEREOF, we being all of the Directors of the Association, have hereunto set our hands this 15 day of February year 2003

Kyle Myleslee

Walter A White

Jane Jones

Francis Mitchell

Edward Andrew