

BYLAWS OF
FORTY EIGHT EAST HOMEOWNERS ASSOCIATION, INC.

ARTICLE I.

NAME AND LOCATION

The name of the corporation is FORTY EIGHT EAST HOMEOWNERS ASSOCIATION, Inc., hereinafter referred to as the "Association." The principal office of the corporation shall be located at 4711 North 12th Street, Phoenix, Arizona 85014, but meetings of members and directors may be held at such places within the State of Arizona, County of Maricopa, as may be designated by the Board of Directors.

ARTICLE II.

DEFINITIONS

SECTION 1. "Association" shall mean and refer to FORTY EIGHT EAST HOMEOWNERS ASSOCIATION, Inc., an Arizona nonprofit corporation, its successors and assigns.

SECTION 2. "Common Area" shall mean all real property, including improvements thereon, owned by the Association for the common use and enjoyment of the Owners, such use to be defined by such Rules and Regulations as issued by the Board of Directors. The Common Area to be owned by the Association at the time of the conveyance of the first Lot is defined as follows:

Tracts A through C, inclusive, of FORTY EIGHT EAST, according to the plat of record thereof, recorded in the Official Records of Maricopa County, Arizona, in Book 422 of Maps, on Page 22 thereof, and recorded at Instrument No. 96-0620094, Official Records of Maricopa County, Arizona.

SECTION 3. "Declarant" shall mean and refer to Centex Homes, a Nevada general partnership, its successors and assigns, if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development and to whom the rights and responsibilities of the Declarant shall be assigned pursuant to a recorded instrument.

SECTION 4. "Declaration" shall mean and refer to the Declaration of Covenants, Conditions, Restrictions and Easements applicable to the Property recorded in the Office of the Maricopa County Recorder.

SECTION 5. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Covered Property with the exception of the Common Area.

SECTION 6. "Member" shall mean and refer to those persons entitled to membership in the Association as provided in the Declaration.

SECTION 7. "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 Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

SECTION 8. "Property" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions, Restrictions and Easements for FORTY EIGHT EAST.

ARTICLE III.

MEETINGS OF MEMBERS

SECTION 1. ANNUAL MEETING. 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 the same day of the same month of each year thereafter, at the hour of 7:00 o'clock, P.M. If the day for the annual meeting of the Members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.

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 written request of the Members who are entitled to vote one-fourth (1/4) of all of the votes of the Class A membership.

SECTION 3. NOTICE OF MEETINGS. Written notice of each meeting of the Members shall be given by, or at the direction 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 entitled to cast, one-tenth (1/10) of the votes of each class of 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.

ARTICLE IV.

BOARD OF DIRECTORS; SELECTION; TERM OF OFFICE

SECTION 1. NUMBER. The affairs of this Association shall be managed by a Board of not less than three (3) nor more than nine (9) directors, who need not be Members of the Association.

SECTION 2. TERM OF OFFICE. At the first annual meeting and at each annual meeting thereafter, the Members shall elect not less than three (3) directors for a term of one year.

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. MEETINGS. All meetings of the Association and the Board of Directors are open to all Members of the Association and all Members so desiring shall be permitted to attend and listen to the deliberations and proceedings; provided, however, that for regular and special meetings of the Board, Members who are not directors may not participate in any deliberation or discussion unless expressly so authorized by a vote of the majority of a quorum of the Board, except that any portion of a meeting may be closed only if the portion of the meeting is limited to consideration of any of the following: (i) employment or personnel matters for employees of the Board or the Association; (ii) legal advice from an attorney for the Board or the Association; pending or contemplated litigation; or (iv) pending or contemplated matters relating to the enforcement of the Association's Declaration or rules.

SECTION 6. 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 meeting by obtaining the written approval of all 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 of the Members, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each 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 may be made from among Members or nonmembers.

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.

ARTICLE VI.

MEETINGS OF DIRECTORS

SECTION 1. REGULAR MEETINGS. Regular meetings of the Board of Directors shall be held monthly 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.

ARTICLE VII.

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

SECTION 1. POWERS. The Board of Directors shall have the power to:

(a) adopt and publish rules and regulations governing the use of the Common Area and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction hereof;

(b) suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulations;

(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 one-fourth (1/4) of the Class A 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.

(d) issue, or to cause an appropriate officer to issue, upon demand by any person, 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;

(e) procure and maintain adequate liability and hazard insurance on property owned by the Association;

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

(g) cause the Common Area and any additional maintenance areas 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 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 which 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:

PRESIDENT

(a) 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 and shall co-sign all checks and promissory notes.

VICE-PRESIDENT

(b) 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.

SECRETARY

(c) 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.

TREASURER

(d) 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; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; 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.

ARTICLE IX.

COMMITTEES

The Association shall appoint an Architectural Review Committee, as provided in the Declaration, and a Nominating Committee, as provided in these Bylaws. 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 or his authorized agent. Books and records kept by or on behalf of the Association and the Board may be withheld from disclosure to the extent that the portion withheld relates to: (i) personnel matters or a person's medical records; (ii) communication between the Board and an attorney for the Association; (iii) pending or contemplated litigation; (iv) pending or contemplated matters relating to enforcement of the Association's Declaration or rules; and/or (v) meeting minutes or other records of a session of a Board meeting or Association meeting that is not required to be open to all Members under applicable law. 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 within thirty (30) days from the date due shall be delinquent. If the assessment is not paid when due, the assessment shall bear interest beginning thirty (30) days from the due date until paid at the greater of (a) twelve percent

(12%) per annum, or (b) the rate set by the Board, 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 attorneys' 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 may have a seal in circular form having within its circumference the words: FORTY EIGHT EAST HOMEOWNERS ASSOCIATION INCORPORATED ARIZONA 1996.

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, except that the Federal Housing Administration or the Veterans Administration shall have the right to veto amendments while there is Class B membership if such agencies have been involved in the making, insuring or guaranteeing of any mortgage loan within the Property.

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.

MISCELLANEOUS

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

CERTIFICATION

I, the undersigned, do hereby certify:

That I am the duly elected and acting secretary of the FORTY EIGHT EAST HOMEOWNERS ASSOCIATION, an Arizona corporation; and,

That the foregoing Bylaws constitute the original Bylaws of said Association, as duly adopted at a meeting of the Board of Directors thereof, held on the 24th day of October, 1996.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the said Association this 24th day of October, 1996.



James P. Retzer, Secretary

FORTY-EIGHT EAST HOMEOWNERS ASSOCIATION

4645 East Cotton Gin Loop

Phoenix, Arizona 85040

Phone: (602) 437-4777 Fax: (602) 437-4770

SUBJECT: CHANGE TO BY LAWS

At the Annual Meeting on April 16, 2003, the members unanimously approved the following change to the Association's By Laws, Article VI Section 1. (to change the requirement to have Board of Directors Meetings from "monthly" to "every other month").

That part of ARTICLE VI Section 1. As reads. "Regular meetings of the Board shall be held "monthly".....

Is changed to read: "Regular meetings of the Board shall be held every other month".....

FORTY EIGHT EAST HOMEOWNERS ASSOCIATION

MANAGED BY: The Mariposa Group, LLC

February 27, 2014

TO: All Forty Eight East Homeowners

RE: Change to HOA Bylaws document

Dear Homeowner:

The Forty Eight East HOA Board of Directors recently solicited a community vote to amend the Homeowners Association Bylaws governing document. Two changes were voted on in the ballot that was sent to all homeowners. All ballots received back were opened and counted in an open meeting of the HOA Board of Directors meeting on January 21, 2014. The attached (yellow) signed affidavit contains the official ballot count for the approval of the two 2014 amendments to the HOA Bylaws.

In April of 2003, a change was unanimously approved by the members according to the document records we have on file. However, no Bylaws document with that 2003 amendment modification can be found. So the 2003 amendment has been incorporated into this update as well.

Enclosed is your updated copy of the Associations Bylaws with both the 2003 and 2014 changes in bold where those approved amendments have been inserted. Please update your records, and replace your 'old' copy of the Bylaws with this copy, and keep these with your important HOA records.

Should you have any questions, please call or email me at the information below.

Sincerely,

Doug Egan

Doug Egan,
Community Manager
Forty Eight East Homeowners Association

**AMENDMENT TO THE BYLAWS OF FORTY EIGHT EAST
HOMEOWNERS ASSOCIATION, INC RELATING TO THE
ELECTION OF THE BOARD OF DIRECTORS**

WHEREAS, ARS §10-11003(B)(4) provides that the Bylaws may be amended by a vote of two-thirds of the votes cast by the Members or a majority of the voting power, whichever is less; and

WHEREAS, Article V, Section 2 of the Association's Bylaws currently states that, "[t]he 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 may be made from among Members or nonmembers"; and

WHEREAS, Article 5, Section 2 of the Bylaws currently states that, "[t]he persons receiving the largest number of votes shall be elected"; and

WHEREAS, on occasion, a nominee has received only one vote; and

WHEREAS, in the opinion of the Members it is in the best interest of the Association to disallow any nominee from being elected to serve on the Association's Board of Directors if that nominee receives only one vote; and

WHEREAS, the Bylaws do not currently require Board Members to sign or abide by a Code of Conduct; and

WHEREAS, in the opinion of the Members it is in the best interest of the Association to require all Board Members to sign and abide by a Code of Conduct and

WHEREAS, having duly deliberated on and investigated the merits of disallowing any nominee to serve on the Association's Board of Directors if that nominee receives only one vote; and

WHEREAS, having duly deliberating on and investigated the merits of requiring all elected Board Members to sign and abide by a Code of Conduct, the Members adopted the following Amendments to the Bylaws of the Association:

Capitalized terms used in these Amendments shall have the meanings as defined in the Community Documents.

A new sentence is added to the end of Article V, Section 2 of the Bylaws as follows:

Any nominee who receives only one vote shall not be elected to serve on the Board of Directors.

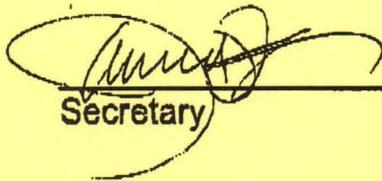
A new sentence is added to the end of Article V, Section 2 of the Bylaws is added as follows:

All elected Board Members shall sign and abide by a Code of Conduct.

THIS AMENDMENT TO THE BYLAWS OF FORTY EIGHT EAST HOMEOWNERS ASSOCIATION, Inc. was approved by twenty five (25) for the first amendment and twenty four (24) for the second amendment of affirmative votes from a total of twenty six (26) ballots of the Members this 21st day of January 2014.

Gaurie Curto
President

Date 2-4-2014


Secretary

Date 2/4/2014

BYLAWS OF
FORTY EIGHT EAST HOMEOWNERS ASSOCIATION, INC

ARTICLE I

NAME AND LOCATION

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ARTICLE II

DEFINITIONS

SECTION 1. "Association" shall mean and refer to FORTY EIGHT EAST HOMEOWNERS ASSOCIATION, INC., an Arizona non profit corporation, its successors and assigns.

SECTION 2. "Common Area" shall mean all real property, including improvements thereon, owned by the Association for the common use and enjoyment of the Owners, such use to be defined by such Rules and Regulations as issued by the Board of Directors. The Common Area to be owned by the Association at the time of the conveyance of the first Lot as defined as follows:

Tracts A through C, inclusive of FORTY EIGHT EAST, according to the plat of record thereof, recorded in the Official Records of Maricopa County, Arizona, in Book 422 of Maps, on Page 22 thereof, and recorded at Instrument No. 96-0620094, Official Records of Maricopa County.

SECTION 3. "Declarant" shall mean and refer to Centex Homes, a Nevada general partnership, its successors and assigns, if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development and to whom the rights and responsibilities of the Declarant shall be assigned pursuant to a recorded instrument.

SECTION 4. "Declaration" shall mean and refer to the Declaration of Covenants, Condition, Restriction and Easements applicable to the Property recorded in the Office of the Maricopa County Recorder.

SECTION 5. "Lot" shall mean and refer to any plot of land shown upon any recorder subdivision map of the Covered Property with the exception of the Common Area.

SECTION 6. "Member" shall mean and refer to those persons entitled to membership in the Association as provided in the Declaration.

SECTION 7. "Owners" 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 Property, including contract sellers, but excluding those having such interest merely as security for performance of an obligation.

SECTION 8. "Property" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions, Restrictions and Easements for FORTY EIGHT EAST.

ARTICLE III

MEETINGS OF MEMBERS

SECTION 1. ANNUAL MEETING: 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 the same day of the same month of each year thereafter, at the hour of 7:00 o'clock, PM. If the day of the annual meeting of the Members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.

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 written request of the Members who are entitled to one-fourth (1/4) of all of the votes of the Class A membership.

SECTION 3. NOTICE OF MEETINGS: Written notice of each meeting of the Members shall be given by, or at the direction 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 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 entitled to cast, one-tenth (1/10) of the votes of each class of 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.

ARTICLE IV

BOARD OF DIRECTORS: SELECTION – TERM OF OFFICE

SECTION 1. NUMBER: The affairs of this Association shall be managed by a Board of not less than three (3) nor more than nine (9) directors, who need not be Members of the Association.

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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.

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SECTION 6. 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 meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

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ARTICLE VI

MEETINGS OF DIRECTORS

SECTION 1. REGULAR MEETINGS: Regular meetings of the Board of Directors shall be held **every other month** without notice, at such place and hours 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.

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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.

ARTICLE VII

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

SECTION 1. POWERS: The Board of directors shall have the power to:

- (a) adopt and publish rules and regulation governing the use of the Common Area and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction hereof;
- (b) suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulations;
- (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 provision 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 meeting 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 one-fourth (1/4) of the Class A 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 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.
- (d) issue, or to cause an appropriate officer to issue, upon demand by any person, 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;
- (e) procure and maintain adequate liability and hazard insurance on property owner by Association;
- (f) cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate; and
- (g) cause the Common Area and any additional maintenance areas 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 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 which 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 the 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:

PRESIDENT

- (a) 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, deed and other written instruments and shall co-sign all checks and promissory notes.

VICE PRESIDENT

- (b) 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.

SECRETARY

- (c) The secretary shall record the votes and keep the minutes of all meeting 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 meeting 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.

TREASURER

- (d) The treasurer shall receive and deposit in appropriate bank account 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; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; 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.

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 or his authorized agent. Books and records kept by or on behalf of the Association and the Board may be withheld from disclosure to the extent the portion withheld relates to: (i) personnel matters or a person's medical records; (ii) communication between the Board and an attorney for the Association; (iii) pending or contemplated litigation; (iv) pending or contemplated matters relating to enforcement of the Association's Declaration or rules; and/or (v) meeting minutes or other records of a session of a Board meeting or Association meeting that is not required to be open to all Members under applicable law. 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 within thirty (30) days from the date due shall be delinquent. If the assessment is not paid when due, the assessment shall bear interest beginning thirty (30) days from the due date until paid at the greater of (a) twelve percent (12%) per annum, or (b) the rate set by the

Board, 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 may have a seal in circular form having within its circumference the words: FORTY EIGHT EAST HOMEOWNERS ASSOCIATION INCORPORATED ARIZONA 1996

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, except that the Federal Housing Administration or the Veterans Administration shall have the right to veto amendments while there is a Class B membership if such agencies have been involved in the making, insuring or guaranteeing of any mortgage loan within the Property.

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

MISCELLANEOUS

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

CERTIFICATION

I, the undersigned, do hereby certify:

That I am the duly elected and acting secretary of the FORTY EIGHT EAST HOMEOWNERS ASSOCIATION, an Arizona corporation; and

That the foregoing Bylaws constitute the original Bylaws of the Association, as duly adopted at a meeting of the Board of Directors thereof, held on 24th day of October, 1996.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the said Association this 24th day of October, 1996.



James P. Retzer, Secretary