



DEERPATH

of Tolono

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DEERPATH HOMEOWNERS ASSOCIATION

BY-LAWS – Adopted February 5, 2009

ARTICLE I

Association Purposes and Powers

The Association has been organized for the following purposes:

1. To maintain DeerPath Subdivision and its commons, footways and personal properties incident thereto.
2. To promote the conservation of the pond and common areas of the subdivision, and to provide recreation areas for the Association members and their guests.
3. To fix, levy, collect and enforce assessments and dues for the memberships subject to the by-laws of the Association.
4. To adopt, amend and enforce by-laws, rules and regulations.
5. To pay taxes, if any, on the property and facilities of the Association.
6. Subject to the By-Laws of the Association, to do any other thing that, in the opinion of the Board of Directors, will protect the Association property and the membership or enhance the membership's benefit and enjoyment of the property and to have and to exercise any and all powers, rights and privileges which a corporation organized under the General Not for Profit Corporation Act of the State of Illinois may now or hereafter have or exercise.

ARTICLE II

Definitions

Section 1. "Association" shall mean and refer to the DeerPath Homeowners Association, a nonprofit corporation organized and existing under the laws of the State of Illinois.

Section 2. "Member" is the owner or contract purchaser of a lot in DeerPath Subdivision as it presently exists in the Village of Tolono, Champaign County, Illinois, or as it is subsequently enlarged.

Section 3. "Property" shall mean and refer to the DeerPath Subdivision, Village of Tolono, Champaign County, Illinois or as it is subsequently enlarged. All buildings, structures and personal property incident thereto and any other properties owned and maintained by the Association for the common benefit and enjoyment of the members.

ARTICLE III Membership

Section 1. All owners of lots shall be members of the Association, shall abide and be bound by the Articles of Incorporation, these By-Laws and the reasonable rules and regulations of said Association and shall maintain membership herein so long as such lot ownership is maintained. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. There shall be one membership for each such lot. Membership in this Association may not be transferred or assigned other than upon transfer or conveyance of the lot representing such membership.

Section 2. The rights and obligations contained in these By-Laws and in the rules and regulations adopted by the Directors extend to the family of the Members who reside in the household and also extend to those persons in the immediate family who are unmarried full time students who reside in the household when not in school.

ARTICLE IV Assessments

Section 1. Members shall pay annual assessments in the amount determined by the Board of Directors.

Section 1a (adopted Feb. 5, 2009). Directors elected or appointed to the board in accordance with these bylaws, shall have relief from 50 percent of the annual assessment as implemented in these bylaws. This relief shall be in place for each fiscal year served by the director and terminated upon removal or resignation from the board or when their election term has expired. In such cases as removal or resignation, or when in violation of any article VI through IX where appropriate, that person shall have this relief waived and will then be responsible for a proportional amount of their assessment, for the remainder of the fiscal year for which they have received the relief, as deemed appropriate by a quorum of the remaining directors.

Section 2. The maximum annual assessment cannot be increased and special assessments cannot be levied unless approved by a majority of the votes of the Members at a membership meeting held in accordance with these by-laws.

Section 3. Voting and other membership rights may be suspended by action of the Directors during a period when an assessment remains unpaid. Upon payment of such unpaid assessment, the rights and privileges shall be automatically restored.

Section 4. If the Directors have adopted and published rules and regulations governing the property and the maintenance thereof as provided in Article VIII, Section 1, they may, at their discretion, suspend the voting and other membership rights of any person for violation of such rules and regulations for a period not to exceed thirty days for such violation.

Section 5. The membership year shall be from April 1 to March 31. Annual assessments are due and payable in advance on or before April 1 of each year or such other dates as fixed by the Board of Directors. The membership of a member who conveys his/her lot shall be deemed to be transferred to the grantee. Such Member is not entitled to a refund from the Association. The grantee of a lot from a Member whose assessment is delinquent shall be liable for the assessment.

ARTICLE V Voting Rights

On all matters brought for vote by said Association there shall be permitted one vote for each lot, said vote to be exercised by the record owner thereof or the designated representative of said record owner. There shall be no cumulative voting. Whenever title to a lot shall be taken in the name of two or more adult persons, either in tenancy in common or in joint tenancy, the membership of that lot shall stand in the names of all the persons having interest in the real estate, but such membership shall be entitled to only one vote on any proposition or election and that vote may be cast only by the owner of a lot or a majority of them acting in concert.

ARTICLE VI Board of Directors

Section 1. The affairs of the Corporation shall be managed by a board of five (5) directors, to be selected annually by the Members in accordance with the remaining sections of this Article.

Section 2. An acceptable candidate for Director must be a member in good standing of the Association as specified in Article III and must have never been removed from a Director's position within the Association by cause specified in Article VI, Section 4. Nominations for open Director positions shall be made in writing to the Board of Directors and prospective candidates shall acknowledge acceptance of nomination 24 hours prior to the elections.

Section 3. Directors shall serve on the Board for a term of 2 (two) years, beginning after elections at the February annual Membership meeting and ending at the annual Membership meeting 2 (two) years following. Director's terms will be staggered such that 3 (three) Directors will be elected in odd numbered years, and 2 (two) will be elected in even numbered years.

Section 4. Any Director may be removed from their position on the Board by:

(A) A petition signed by 1/2 (one-half) of the Membership and presented to the Board at any Board meeting or at the general Membership meeting;

(B) They cease to be a member of the Association.



(C) The Board may remove a Director from their position for demonstrated incompetence, misconduct, or any act deemed as detrimental to the Association by the Board.

Section 5. Vacancies on the Board of Directors shall be appointed by a majority vote of the remaining Directors. Any such Director shall hold office for the remaining term of the Director who is succeeded.

Section 6. Election to the Board of Directors shall take place at the annual meeting or special meeting as hereinafter provided. At such election, the Members of the Association or their proxies may cast, in respect of each vacancy to be filled, one vote as defined in Article V.

ARTICLE VII Powers and Duties of the Board of Directors

Section 1. The Board of Directors shall have the power:

(A) To call 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) of the voting membership, as provided hereunder;

(B) To remove at pleasure all agents and employees of the Association, prescribe their duties, fix their compensation, if any, and require of them such security as it deem expedient;

(C) To establish, levy, assess, and collect the assessments, dues or penalties referred to in these by-laws, except as provided by Article IV, Section 2;

(D) To adopt and publish rules and regulations governing the use of the property and the personal conduct of the Members and their guests thereon;

(E) To exercise for the Association all powers, duties and authorities vested in or delegated to this Association.

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

(A) To cause to be kept a complete record of all of 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 is requested in writing by those representing at least one-fourth (1/4) of the voting membership.

(B) To fix the amount of the assessment for each assessment period at least thirty days in advance of such date or period, except as provided in Article IV, Section 2;

(C) To prepare a roster of the Members and their property and assessments applicable thereto, which shall be kept in the office of the Association and shall be open to inspection by any Member (the office of the Association shall be the residence of the current Secretary of the Board);

(D) To send written notice of each assessment to every owner subject thereto;



(E) To issue, or to cause an appropriate officer to issue, upon demand by any person a certificate setting forth whether any assessment has been paid. Such certificate shall be conclusive evidence of any assessment therein stated to have been paid;

(F) To collect unpaid assessments by legal action including the filing of liens against the Member's property in the Champaign County Recorder's Office. The Member affected shall be liable to the Association for all costs and expenses, including attorney's fees, incurred by the Association in that process.

ARTICLE VIII Directors' Meetings

Section 1. A regular meeting of the Board of Directors shall be held immediately following the annual meeting of the Members of the Association, and at such other times as the Board of Directors may, by resolution, designate.

Section 2. Special meetings of the Board of Directors shall be held when called by any officer of the Association after not less than two days notice to each officer.

Section 3. 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 a part thereof.

Section 4. A majority of the board of Directors shall constitute a quorum thereof.

ARTICLE IX Officers

Section 1. The officers shall be a President, a Vice President, a Secretary, a Treasurer and a Grounds Director. The term of all Officers will be one year.

Section 2. The officers shall be chosen by a majority vote of the Board of Directors immediately following the annual meeting of the Members of the Association.

Section 3. The President shall preside at all meetings of the Board of Directors and meetings of the Members, shall see that orders and resolutions of the Board of Directors are carried out and sign all notes, checks, leases, mortgages, deeds and all other written instruments.

Section 4. The Vice President shall perform all the duties of the President in their absence.

Section 5. The Secretary shall record the votes and keep minutes of all proceedings in a book to be kept for that purpose. They shall keep the records of the Association. He/She 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.

Section 6. The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association. The Treasurer 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 the disbursements made in the ordinary course of business in amounts less than one hundred dollars (\$100.00) and such disbursements must be conducted within the limits of a budget adopted by the Board. The Treasurer shall sign all checks and notes of the Association, provided that such checks and notes shall also be signed by the President or Vice President. The Treasurer shall keep proper books of account and make a report thereof to the annual meeting of the members. The Treasurer shall sign all certificates of membership and letters of assessment.

Section 7. The Director of Grounds shall oversee the maintenance and care of all common areas in the Association including equipment designated for such purpose.

ARTICLE X Committees

The Association shall have such standing committees as shall be designated by the Board of Directors of the Association.

ARTICLE XI Meetings of the Members

Section 1. The regular annual meeting of the Members shall be held on the first Thursday of February each year, at the hour of 7:00 p.m. If the day for the annual meeting of the Members shall fall upon a holiday, the meeting will be held at the same hour on the first day following which is not a holiday.

Section 2. Special meetings of the Members may be called, for any purpose, at any time by the Board of Directors.

Section 3. Written notice of any meeting shall be given to the Members by the Secretary. 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 corporation. Each Member shall register his/her address with the Secretary, and notices of meetings shall be mailed to him/her at such address. Notice of any meeting, regular or special, shall be mailed at least six days in advance of the meeting, the nature of the business to be transacted and the place where the meeting is to be held.



Section 4. The presence at the meeting of Members entitled to cast, or of proxies entitled to cast, 15 of the votes of membership (who are entitled to vote) shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Revised Declaration, or these Bylaws.

ARTICLE XII Books and Papers

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

Section 2. In case of any conflict between the Articles of Incorporation and these Bylaws, the articles shall control; and in case of any conflict between the covenants and restrictions applicable to DeerPath Subdivision and these Bylaws, the covenants and restrictions for said subdivision shall control.

IN WITNESS WHEREOF, we being the Directors of the DEERPATH HOMEOWNERS ASSOCIATION, have hereunto set our hands and seals this 5th Day of February 2009.

Jim Salmon

Kenny Williams

Sarah Perry

Ellen Kuchenbrod

John Geisz