

# BYLAWS

**BYLAWS  
OF  
WOODY CREEK TOWNHOMES ASSOCIATION NO. 1**

**ARTICLE I**

**NAME AND LOCATION.** The name of the corporation is **WOODY CREEK TOWNHOMES ASSOCIATION NO. 1**, hereinafter referred to as the "Association." The principal office of the corporation shall be located at 5260 Garrison St. #13, Arvada, Colorado 80002, but meetings of members and Directors may be held at such places within the state of Colorado as may be designated by the Board of Directors.

**ARTICLE II**

**PURPOSE**

The purpose for which this non-profit Association is formed is to govern the Properties which have been or will be submitted to the provisions of the Declaration of Covenants, Conditions and Restrictions of Woody Creek Townhome Association (hereinafter referred to as the "Declaration") recorded or to be recorded in the City of Arvada and County of Jefferson, Colorado land records. The definitions set forth in the Declaration shall also be applicable to these Bylaws. All present or future Owners, tenants, future tenants or any other persons who might use in any manner the facilities of the Properties are subject to the regulations set forth in these Bylaws. The mere acquisition or rental of any of the Lots or the mere act of occupancy of any of the residences located on said Lots will signify that these Bylaws are accepted, ratified and will be complied with.

**ARTICLE III**

**DEFINITIONS**

Section 1. "Association" shall mean and refer to Woody Creek Townhomes Association No. 1, a Colorado non-profit corporation, 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, 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. "Declarant" shall mean and refer to Woody Creek Townhome Association, its successors and assigns if such successors or assigns should acquire more than one undeveloped Lot from the Declarant for the purpose of development.

Section 7. "Declaration" shall mean and refer to the Declaration of Covenants, Conditions and Restrictions applicable to the Properties recorded in the office of the Clerk and Recorder of Jefferson County, Colorado.

Section 8. "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

#### **ARTICLE IV**

#### **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 the same day of the same month of each year thereafter, at the hour of 7:00 o'clock, p.m. Permit the Annual Meeting to be scheduled within the first two (2) weeks of August, but not on 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 of all 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 15 (fifteen) 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 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 V

### BOARD OF DIRECTORS; TERM OF OFFICE; SELECTION

Section 1. Number. The affairs of the Association shall be managed by a Board of five directors who shall be members of the Association.

Section 2. Term of Office. At the first Annual Meeting the members shall elect three directors for a term of one year and two directors for a term of two years; and at each Annual Meeting thereafter the members shall elect replacements for those whose terms have expired.

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.

Members of the Association serving on the Board of Directors during their term as Director shall receive compensation for the performance of their duties in the manner of waiving monthly assessments (dues), excluding any special assessments, on their Lot or Lots. The number of units for which Board member's assessments are waived will be only one. This exemption from paying monthly assessments shall be set at the amount for the general membership. In addition, 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 meeting by obtaining the written or oral approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

## ARTICLE VI

### NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination. Nominations may be made from the floor at the Annual Meeting; or by sending written notification of intent to run to the Secretary at least seven (7) days prior to the Annual Meeting.

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.

## ARTICLE VII

### MEETINGS OF DIRECTORS

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held monthly, at such place and hour as may be fixed from time to time by resolution of the Board.

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 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 duly held meetings at which a quorum is present shall be regarded as the act of the Board.

## ARTICLE VIII

### 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) exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other adopt and publish rules and regulations governing the use of the Common Area provisions of these Bylaws, the Articles of Incorporation, or the Declaration;
- (c) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three consecutive regular meetings of the Board of Directors; and
- (d) employ a manager, an independent contractor, or such other employees as it deems necessary, and to prescribe their duties.
- (e) limit the Board's spending to less than \$5000 on any one single item without membership approval, but requires a unanimous vote by all five Board members.
- (f) prepare an Annual Budget in January of each year and amend as needed.

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 of the Class A members who are entitled to vote;
- (b) supervise all officers, agents and employees of this Association, and 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;
- (g) cause the Common Area to be maintained;
- (h) cause the exterior of the dwellings to be maintained.

**ARTICLE IX  
OFFICERS AND THEIR DUTIES**

Section 1. Enumeration of Officers. 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 offices one 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 who 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. No person shall simultaneously hold more than one office except in the case of special offices created pursuant to Section 4 of this Article.

Section 8. Check Authorization. All officers will be authorized to sign checks.

Section 9. 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 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; provide a quarterly financial statement; 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**

### **COMMITTEES**

The Board of Directors shall serve as the Architectural Control Committee, as provided in the Declaration. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.

## **ARTICLE XI**

### **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 XII**  
**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 the calendar month after the due date, a late charge of \$25.00 shall be assessed and every month thereafter until paid in full. Written notice will be sent by the 20<sup>th</sup> of the month. In addition, the assessment shall bear interest from the date of delinquency at the rate of 12 per cent per annum, 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 XIII**  
**CORPORATE SEAL**

The Association shall have a seal in circular form having within its circumference the words: Seal of Woody Creek Townhomes Association No. 1.

**ARTICLE XIV**  
**AMENDMENTS**

Section 1. These Bylaws may be amended, at a regular or special meeting of the members, by a vote of the 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.

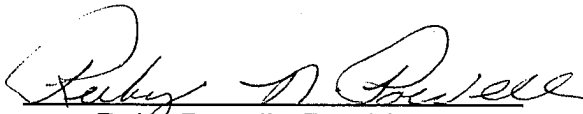
Section 2. In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

**ARTICLE XV**

**MISCELLANEOUS**

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


IN WITNESS WHEREOF, we, being all of the directors of the Woody Creek Townhomes Association No. 1, have hereunto set our hands this 9th day of September, 2000.

  
Ruby Powell - President

  
Linda Munoz - Treasurer

  
Cyndee Wolf - Vice President

  
Jim Halverson - Member at Large

  
Cindy Henderson - Secretary

# RULES AND REGULATIONS

## WOODY CREEK TOWNHOME ASSOCIATION

We are a Owner-controlled Association. This can be compared to a small city government, supervised and managed by elected members to the Board of Directors. The Directors derive their authority from the Covenants and the Bylaws. The Board is charged with the responsibility of serving the Members, enforcing the Rules and Regulations and with preserving the common property so as "to promote the health, safety and welfare of the residents."

Serving on the Board is a worthwhile and responsible job. Members spend many hours at meetings and at home attending to the many details of the operation.

The Board holds regular monthly meetings, usually the second Thursday of the month. Consult your current newsletter for the location of the next Board meeting. The Annual Meeting is usually held on the second Thursday of August when Association members elect members to the Board of Directors. Each member is to serve a two-year term. The Board elects its own officers, and serves as the Architectural Committee.

(August, 2005)

### Preface

We strongly recommend that you and your family read the information in this handbook. The following guidelines are for the protection and benefit of the resident and their guests. **Effective date: August 8, 2000.**

**NOTICE TO OWNERS WHO SELL OR RENT:** If you sell or rent your property, please pass this handbook along to the new occupant. Please call a Board member with the name and phone number of the new owner or renter so we may keep more accurate records. We appreciate your help in this matter.

The cooperation of each resident in observing these rules and regulations will ensure the comfort and safety of each resident. With approximately 100 people living in close proximity of each other, everyone must make an effort to be aware of the discomfort his or her actions may cause another.

Most of the regulations are contained in the Declaration of Covenants and/or the Bylaws of the Association.

(September, 2000)

### **Board of Directors**

President	Julie Hyman Johnson	303-456-1368
Vice-president	Dianne Seiler	303-646-1004
Secretary	Sonja Hahn	303-422-7958
Treasurer	Brenna Bristow	303-437-5593
Member-at-large	Judy Warburton	303-421-1683

### **Insurance Company**

If you are refinancing, selling or buying, your banker or agent can call:

Prince Insurance Group (Travelers)

8001 Arista Place #410

Broomfield, CO 80021

Phone: 877-872-8737

### **Homeowner Maintenance**

1. Know the location of the main cut-off for your water and power. In the event of an emergency, valuable time can be lost in locating these shutoffs.
2. Have your furnace checked annually and change filters as needed.
3. Follow maintenance instructions provided with your hot water heater.
4. Each Fall disconnect water hoses from the outside faucets to prevent frozen pipes. If you will be gone for a period of time during cold weather, leave cabinet doors under the sinks open. In sub-zero weather, leave these doors open overnight.
5. If you replace the garage or front wooden door, you will need to paint the door the color of the trim paint (blue). Paint and/or formula can be obtained by contacting a Board member.
6. If you replace the front screen door, it should be either black or bronze. The back screen door can be any color you choose.

### **Common Area Regulations**

1. Parking in Visitor Parking is for visitors. Only short-term parking is allowed for residents. Failure to comply will result in a \$50 fine and/or the towing of your vehicle.
2. There are two trash dumpsters in the complex: one adjacent to 5230#1 and the other adjacent to 5270 #1. The trash collection company has no obligation to pick up trash not inside the dumpster. Therefore all trash must be inside the dumpster.
3. Pets are to be kept on a leash at all times in the common area. You are required to pick up after your dog per Woody Creek Covenants as well as a City of Arvada Ordinance. Failure to comply will result in a fine of \$50.
4. Speed limit in the complex is 5 miles per hour. Remember that children live here too.

## General Information

### Maintenance Fees

There is often a misunderstanding concerning the monthly maintenance fee assessed owners. The Board of Directors administers the distribution of these fees, which are for the benefit of the residents to provide the following services:

**Grounds Maintenance:** Snow removal  
Trash removal  
Trees, Shrubs, Lawn Care and Fertilization

**Common Water and Sewer Service**  
**Bookkeeping and Record Keeping**  
**Painting, Repair and Outside Maintenance**

Any loud noises or disturbances should be referred to the Arvada Police Department.

**Insurance:** It is the homeowner/renter's responsibility to adequately insure all personal property. The Association's master policy insures the exterior of each townhouse as originally built against loss by fire, lightning, wind, hail and explosion.