

## **Cherry Home Association**

### **Bylaws**

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**Article I Name and Purpose:**

**Section 1. Name.**

The name of this association shall be **Cherry Home Association**.

**Section 2. Purpose.**

The purpose is to promote the health, safety and welfare of the residents within the plats of **Cherry Home Number 1 and 2**, as well as **Cherry Home Shores Numbers 1,2, 3, 4**, as recorded in Leelanau County, the state of Michigan, and future additions thereto, here in after referred to as "**The Properties**" and for this purpose to own, acquire, build operate, and maintain parks, streets, and recreational facilities in the properties including additions thereto. To establish, alter, and enforce building and use restrictions for the properties. To fix, collect, and levy assessments against properties in the subdivision and to do all things necessary and incidental to promote the common benefit and enjoyment of the duties and obligation imposed upon it by the "Declaration of Deed Restrictions" placed upon the properties including additions thereto.

**Article II Membership:**

**Section 1. Member.**

Every person who holds an equitable interest or an undivided equitable interest in any lot in the properties whether as a land contract vendee, or fee holder, being subject to those covenants recorded with the register of deeds for the county of Leelanau, affecting the properties and to assessment by the Association shall be a member of the Association provided that any such person who holds interest merely as a security for the performance of an obligation shall not be a member.

**Section 2. Rights.**

The rights of membership are subject to the payment of annual and special assessments levied by the Association, the obligation of which such assessments is imposed against each owner and becomes a lien upon the property against which such assessment is made as provided by the recorded Declaration of Deed Restriction, on the properties including additions thereto as defined and set forth in Article I Section 2. The membership rights of any person whose interest in the property is subject to assessments under the Declaration of Deed Restrictions may be suspended by action of the directors during the period when the assessment remains unpaid. Upon payment of said assessments his rights and privileges shall be automatically restored.

**Section 3. Voting.**

There shall be one vote per lot. The Association shall have one class of voting membership. Voting members shall be all those members who hold the interest required for membership under Article II, section 1, of these bylaws. When more than one person holds such interest or interests in a lot or lots in the properties, all such persons shall be members and a vote for each lot shall be exercised as they among themselves determine, with only one vote for each lot. A person owning one half of a lot is entitled to one half a vote. Any lot divided other than in half shall retain one vote for the owner who owns the largest share of said lot.

**Section 4. Use.**

Each member shall be entitled to the use and enjoyment of the common properties and facilities as provided by the Deed of location to the properties including any additions subject to the restrictions as contained in the recorded "Declaration of Deed Restriction". The use of all common properties and association facilities is restricted to Association members, their families, and their guests.

**Article III Fees, Dues and Assessments:****Section 1. Members and Notices.**

Each member shall pay annual dues and special assessments as provided in the recorded Declaration of Deed Restrictions on the properties including any additions thereto. The Board of Directors shall give all notices of proposed changes to assessments as provided in the Declaration of Deed Restrictions.

**Section 2. Dues.**

The annual dues shall be \$64.00 per lot starting in 2022 for each originally plotted lot. The Board of Directors may, at the annual membership meeting, recommend a change to the annual dues for the following year, not to exceed an increase of 20% in any one year. The change to the annual dues must be approved by two-thirds (2/3) of the voting members who are voting in person or by proxy at the annual membership meeting.

**Section 3. Special Assessments.**

In addition to the annual dues authorized above, the association may levy in any assessment year on each original lot sold by the developer, its representatives or assigns, a special assessment applicable to that year only for the purpose of defraying in whole or in part the cost of any construction, reconstruction, unexpected repair, or replacement of a described capital improvement upon the common properties, including the necessary fixtures and personal property related thereto, provided any such assessment shall have the affirmative vote of two thirds (2/3) of the votes of all voting members who are voting in person or by proxy at a meeting duly called for this purpose. A written notice shall be sent to all members at least thirty (30) days in advance and shall set forth the purpose of the meeting.

**Section 4. Quorum.**

The quorum required for any action authorized by Article III, section 2 and 3 hereof shall be as follows. At the first meeting called, as provided in section 2 and 3 hereof, if 60% of all the eligible membership votes are present, in person or via proxy, a quorum shall exist. Another meeting may be called, if the required quorum is not forthcoming at any meeting, subject to the notice requirement set forth in Article III, section 2 and 3, and the required quorum at any such subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting, provided that no such subsequent meeting shall be held more than sixty (60) days following the preceding meeting. The Secretary of the Association shall be responsible to determine the exact number that constitutes a quorum and will have this number available at least 30 days prior to each annual meeting.

**Article IV Membership Meetings:****Section 1. Annual Meeting.**

The regular annual meeting of the association shall be held each year on the Saturday preceding Memorial Day at such time and place as the board of directors may determine.

**Section 2. Special Meetings.**

Special meetings of the members may be called at any time by the Board of Directors or by written request of one fourth (1/4) of the members who are entitled to vote.

**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 paid, at least 30 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. Voting.**

Members may cast their votes in person, by proxy, or by absentee ballot, filed with the secretary. The fiscal year of the association shall end on April 30<sup>th</sup>. A member must be in good standing and his dues, taxes, and other assessments current prior to the commencement of the annual membership meeting in order for him to participate in the annual membership voting. It shall be the duty of the secretary to prepare a list of the members entitled to vote at each meeting against which list all members voting, either by proxy or in person, shall be checked either by the secretary or by some individual designated by the board of directors.

**Section 5. Quorum.**

Except as specified in Article III, section 4, twenty percent (20%) of the outstanding membership votes of the association represented in person or by proxy shall constitute a quorum for the transaction of business. The secretary shall prepare a statement for each election stating the number of votes required to constitute a quorum.

**Article V Directors:****Section 1. Duties.**

The board of directors shall administer the business, property, affairs, and policies of the association as approved by the association.

**Section 2. Number of Directors.**

Nine (9) directors shall constitute a Board of Directors, and shall be elected for a term of three (3) years each. Three Board of Director positions shall be elected each year.

**Section 3. Vacancies.**

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 unfinished term of his predecessor.

**Section 4. 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 Nomination Committee shall be appointed by the Board of Directors at least three months prior to each annual meeting of the members. 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.

**Section 5. Election of Board of Directors.**

Members of the association may nominate other candidates for directors. Such nomination shall be in writing and signed by the member making them, and placed in the hands of the secretary on or before sixty (60) days prior to the date of the annual meeting. Election of members to serve on the Board of Directors shall take place at the annual membership meeting.

**Section 6. Election of Officers.**

The board of directors shall elect a President, Vice President, Secretary, and Treasurer. All officers of the association shall be members in good standing.

**Section 7. Officers, Agents and Employees.**

The board of directors shall have the power to appoint such other officers and agents, and to hire such employees as may be necessary for the carrying out of the purpose of the association within the budgetary limitations.

**Section 8. Removal.**

Any officer or agent may be removed by a two thirds (2/3) vote of the board of directors whenever in the judgment of the board the best interest of the association is not being served. The officer or agent shall have the right to appeal at the next annual meeting.

**Section 9. Other Powers.**

The board shall have such other powers as set forth in these bylaws or as general affairs of the association and the declaration of restriction, except as herein prohibited.

**Section 10. Committees.**

The board of directors shall appoint or authorize the president to appoint from their own members or from members of the association such committees as the board deems necessary to carry on the affairs of this association, and it shall define the powers and duties thereof. The committees so appointed shall hold office during the pleasure of the board of directors.

**Section 11. Rules and Regulations.**

The board of directors shall establish reasonable rules and regulations concerning the use and operation of the association properties and recreational facilities, parks, and other areas to be operated for the mutual benefit of the members. It shall enforce all building and use restrictions and propose such further restrictions as are reasonable, necessary or desirable in order to maintain the general nature and character of the subdivision and association properties. A majority of the board may in writing delegate to any other member of the board authority to represent the board and act for the board and exercise any of the powers of the board as authorized by these bylaws. The Board shall not adopt rules or regulations accessing fines or personal disciplinary actions directed against members of this association before presenting the same to the general voting membership. Such rules or regulations shall be printed on the Association's website and then presented to the members of this association by mail along with a ballot by which the member shall express his/her approval or rejection of the proposed rules or regulations. The members shall have 30 days after the proposed rules or regulations are mailed to return their completed ballot. The members shall send his/her ballot to the Secretary of the Board of the Association at the address printed on the ballot. The Secretary shall count the unopened ballots to determine if a quorum necessary for the association to do business has been established. If the returned ballots meet the quantity necessary for a quorum , the Secretary shall then cause the ballots voted to be counted for the approval / or for rejection of the proposed rules or regulations. The Secretary shall upon concluding the counting of the ballots voted, announce ,and declare the memberships' approval or rejection of the proposed rules or regulations. That announcement shall be printed on the Association's web site. The Board shall then proceed in accordance with the Memberships' decision expressed in its vote.

**Article VI Powers and Duties:**

The Association, as represented by an elected Board of Directors and Officers, shall have the following powers.

**Section 1. Common Property.**

To keep and maintain common properties in a clean and orderly condition. To cut and remove weeds and grass there from. To pick up loose material, refuse, etc. and to do any other things necessary or desirable to keep the same neat appearance and in good order. To provide for the erection and maintenance of gateways or entrances and other ornamental features now existing or hereafter to be erected. To acquire and maintain recreation facilities as the same that are established in the subdivision or any addition thereto.

**Section 2. Streets.**

To exercise such control over streets as may be within its powers and as it may seem necessary or desirable, subject to the controls of the county, township, or other proper officers who may have jurisdiction over streets or roads.

**Section 3. Streets and Pathways.**

To repair, oil, and maintain streets and pedestrian ways, including the removal of snow therefrom where the same is not under the jurisdiction and control of a government authority. To do all things necessary or incidental for the protection of the plants and wildlife in the common properties and in and about the subdivision.

**Section 4. Buildings and Other Restrictions.**

To enforce either in its own name or in the name of any real estate owner or owner's as may be necessary all building and other restrictions which have been or are now, or may thereafter be imposed upon any of the real estate in the properties including any additions thereto. This association shall have full power and authority to bring proceedings in the name or names of any of the owners to enforce the restrictions. The expenses and cost of such proceedings however shall be paid out of the general funds of the association.

**Section 7. Services.**

To provide such other services as may be deemed desirable by the Board of Directors. Said services to be rendered to the residents or members at the expense of those receiving the service where the services are of such character so as not to be of mutual benefit to all owners.

**Section 8. Annual Budget**

To prepare and present an annual operating budget. An annual operating budget for the association shall be presented by the Board to the Association membership, 30 days prior to each annual meeting, and approved by the voting members at the annual meeting, in person, by proxy, or by absentee ballot. The board may reallocate funds within the approved budget, but overall expenditures may not exceed the approved budget by more than 10 percent without a majority vote of the total voting membership.

**Article VII Officers:**

**Section 1. President.**

The president shall be elected by and from the membership of the board of directors. He shall have a general and active management of the business of the association and shall see that all orders and resolutions of the board are carried into effect. He shall sign all legal documents authorized for his signature by the board of directors, and appoint a chairman for all standing committees. The president shall be ex-officio member of all committees.

**Section 2. Vice President.**

The vice president shall be elected by and from the membership of the board of directors. The vice president shall act in place of the president in his absence or in the event the office of the president shall become vacant by death, resignation or otherwise, or due to the inability of the president to discharge the duties of his office. The vice president shall also perform such other duties as may be delegated by the president of the Board of Directors.

**Section 3. Secretary.**

The secretary shall be elected by the board of directors. The secretary shall keep the minutes of the meeting of the association, and of the directors and executive committees. He shall preserve in the books of the association true minutes of the proceedings of all such meeting. He shall give all notices required by statute, bylaws, or resolution. He shall keep a record of the names and address of all members of the association, property owned by each, transfers of membership, and be the custodian of the association seal. He shall send to the lot owners all notices as to the amount due the association for dues and assessments. He shall advise the board as to all delinquencies and he shall keep the board informed regarding the insurance thereon, and shall perform such other duties as are delegated to him by the board of directors.

**Section 4. Treasurer.**

The treasurer shall be elected by the board of directors. The treasurer shall have custody and keep accounts of all money, corporate funds and securities of the association, and shall keep in books belonging to the association full and accurate accounts of all receipts and disbursements. He shall deposit all money, securities and other valuable effects in the name of the association in such depositories as may be designated for that purpose by the board of directors. He shall disburse the funds of the association as may be ordered by the board making proper voucher for such disbursements, and render to the president and directors at regular meetings of the board and whenever requested by them, an account of all his transactions as treasure and of the financial condition of the association. If requested by the board of directors he shall deliver to the president of the association and keep in force a bond in the amount and with the surety or sureties satisfactory to the board conditioned for the faithful performance of the duties of his office, and for the restoration or removal from office of all books, voucher, money and property of whatever kind in his possession or under his control belonging to the association. He shall perform such other duties as are delegated to him by the board of directors.

**Article VIII Dissolution:**

The association may be dissolved only with the assent given in writing and signed by the members entitled to cast two thirds (2/3) of the vote of its membership. Written notice of a proposal to dissolve setting forth the reason therefor and the disposition to be made of the assets which shall be consonant with Article IX hereof, shall be mailed to every member at least ninety (90) days in advance of any action taken.

**Article IX Disposition of Asset Upon Dissolution:**

Upon dissolution of the Association, the assets both real and personal of the Association shall be dedicated to an appropriate public agency or utility to be devoted to purposes as nearly as practicable the same as those to which they were required to be devoted by the Association. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization to be devoted to purpose as nearly as practicable the same as those to which they were required to be devoted by the Association. No such disposition of Association properties shall be effective to divest or diminish any right or title of any member vested in him under the recorded covenants and deeds applicable to the properties unless made in accordance with the provisions of such

covenants and deeds.

### **Article X Amendments:**

#### **Section 1.**

These bylaws may be amended, altered, changed, added to, or repealed by the affirmative vote of the majority of the members voting in person or by ballot at any annual or special meeting of the members called for that purpose.

#### **Section 2.**

In the case of any conflict between the Declaration of Deed Restrictions and these By-Laws, the Declaration shall control.

The following Articles have been amended, added, or deleted as a result of affirmative voting in past annual meetings.

1. Article VII	Section 12	Aug. 30, 1969	Amended
2. Article VIII	Section 2 (a)	Aug. 30, 1969	Added
3. Article II	Section 1 (b)	May 27, 1973	Amended
4. Article IV	Section 6	May 27, 1973	Amended
5. Article IV	Section 8	May 27, 1973	Added
6. Article V	Section 2	May 27, 1973	Amended
7. Article VI	Section 1	May 27, 1973	Amended
8. Article VII	Section 5	May 27, 1973	Amended
9. Article VIII	Section 7	May 27, 1973	Deleted
10. Article VIII	Section 9	May 27, 1973	Amended
11. Article VIII	Section 10	May 27, 1973	Amended
12. Article VIII	Section 13	May 27, 1973	Amended
13. Article XI	Section 1	May 27, 1973	Amended
14. Article XI	Section 3	May 27, 1973	Amended
15. Article XII	Section 1	May 27, 1973	Amended
16. Article VIII	Section 2	May 27, 1973	Deleted
17. Article VII	Section 1	May 25, 1974	Amended
18. Article VII	Section 9	May 27, 1977	Amended
19. Article V	Section 2	May 25, 1985	Amended
20. Article VII	Section 12	May 26, 1990	Amended
21. Article VII	Section 8	May 26, 1990	Amended
22. Article VII	Section 9	May 26, 1990	Amended
23. Article II	Section 1	May 23, 1992	Amended
24. Article II	Section 1 (b)	May 23, 1992	Deleted
25. Article III	Section 1	May 23, 1992	Amended
26. Article IV	Section 6	May 23, 1992	Amended
27. Article VIII	Section 13	May 23, 1992	Amended
28. Article X	Section 1	May 23, 1992	Amended
29. Article VII	Section 5	May 23, 1992	Amended
30. Article VII	Section 1	May 23, 1992	Amended
31. Article V	Section 2	May 27, 2000	Amended
32. Articles I – X	All Sections	May 26, 2007	Amended
33. Articles XI & XII	All Sections	May 26, 2007	Deleted
34. Article II	Section 4	May 30, 2021	Amended
35. Article III	Section 2	May 30, 2021	Amended



Approved May 29, 2021

FINAL

36. Article V  
37. Article VI

Section 11  
Section 8

May 30, 2021  
May 30, 2021

Amended  
Amended