

**RETURNED**  
**JUL 21 2005**

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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
07/21/2005 01:15 PM  
DEP RTT REC'D FOR WEST PARK VILLAGE  
E HOME OWNERS

**WEST PARK VILLAGE HOME OWNERS ASSOCIATION** Pgs: 5

**Laws and Bylaws**

*See \$127<sup>00</sup>*

**Mission Statement:**

The purpose of this association is to maintain property values and to educate the home owners in West Park Village in the use of the declarations of covenants, conditions, and restrictions by the West Park Village Home Owners Association Hereafter referred to as (WPVHOA), or 'the association'. Homeowners may be referred to as members of the association or homeowners. The WPVHOA Declaration of covenants, conditions and regulations, may be referred to as C.C. and R

This association does not contemplate pecuniary gain or profit to the members thereof, and is being hereby organized as a non-profit corporation. The specific purposes for which it is formed are to provide for maintenance, preservation and architectural control of the West Park Village common areas as described and amended in the C C and R as filed

**Bylaws:**

**1. Officers: President, Vice-president, Secretary, and Treasurer will constitute the board of Directors of WPVHOA.**

- a) 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.
- b) Officers are to be elected to four year terms.
- c) Elections will be held in November of the appropriate year. No earlier than the first Saturday of the month, but no later than the third Saturday of the month Unless changed by the board.
- d) There will be an election every two (2) years i e the president and treasurer will currently serve four (4) years and the vice-president and secretary will currently serve two (2) in which a new election will be held for those two (2) positions which will then become four (4) years terms. *The election for the current officers was held in November of 2003*
- e) Elected officers will be compensated with the following the waiving of fifty percent (50%) of their home owner association fees for the duration of their term. If the elected officer wished to opt-out of this compensation, they may do so and serve pro-bono
- f) As in past practice, election of officers shall be handled by secret or absentee ballots, delivered to the home owner and returned as directed by the elections committee
- g) If there is a vacancy on the board for any reason, the board will fill that vacancy as soon as possible. If the vacancy is less than eighteen (18) months, the board will appoint someone to fill the vacancy If longer than eighteen (18) months, a special election will be held at the first opportunity to fill the vacancy If less than eighteen (18) months, the appointee will fill the vacancy until the next scheduled election.

**2. Duties of the officers:**

- a) **President:** To preside over meetings and to monitor and dispense the every day business of running the association. Other duties may be directed by the board of directors pertaining to the association.
- b) **Vice-president:** To assist the president in all his duties, be prepared to step in, in case of the absence of the president, and other duties as may be directed by the president and/or the board of directors pertaining to the association.
- c) **Secretary:** To take all minutes at meetings, to maintain and file minutes, and to do any and all correspondences as directed by the president, vice-president, or board of directors pertaining to the association. Other duties may be directed by the President, Vice-President and the board of directors pertaining to the association.
- d) **Treasurer:** The handling of all funds, the auditing of the books, and handles all accounts payable and receivable. Other duties may be directed by the president, vice-president and the board of directors as pertaining to the association.

**3. Meetings:**

- a) All meetings will be run informally in plain language (English) in accordance with parliamentary procedure (Roberts' Rules of Order) as used by the United States House of Representatives.
- b) If a formal meeting is called for, it will follow the outline as set above in 3a.
  - a. call to order
  - b. reading of the minutes
  - c. report of officers
  - d. standing committees
  - e. special committees
  - f. old business
  - g. new business
  - h. association members comments
  - i. call to dismiss
- c) Annual meeting of the WPVHOA will be held in November of each year to coincide with the election of officers as set forth above in a public place.
- d) Board meetings to be held monthly at the time and place called by the Board of Directors. All board meetings will be open to the members of the association, with the exception of executive meetings according to Utah State Law.
- e) Any member of the association may address the board with any concerns or problems with no less than 20 working days written notice, prior to the meeting, to be placed on the agenda of the board of directors. Written notice must contain subject that they want to address. Board may adjust agenda, add to but not delete agenda. Any concerns or problems brought forth to the board of directors with out written notice will not be considered except in an urgent situation. Urgent situation to be defined by the board of directors.

**4. Fees:**

The purpose of the collection of fees for the WPVHOA is to ensure the maintenance of the Open Spaces/Common Areas, and to pay any and all taxes and other fees accumulated by the WPVHOA, pertaining to the association

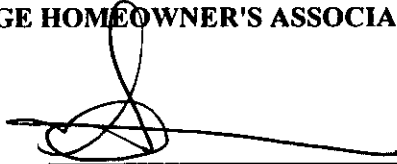
- a) Fees will be collected in a manner as set forth by the association board of directors or their authorized agent
- b) Fees must be paid on a monthly basis, or may be prepaid, bi-monthly, quarterly or yearly basis if selected. Fees will be due on the first of each month and will be considered late if not paid by the 10th of the month due. Fees mailed and postmarked by the 10th will not be considered late
- c) Late fees will be assessed at the rate as prescribed by section 5.9 of the C C and R of the WPVHOA
- d) Late fees will appear on the next monthly statement
- e) All collection fees will be borne by the home owner, not the association. This may include up to legal action, attorneys fees, court costs, liens, etc.

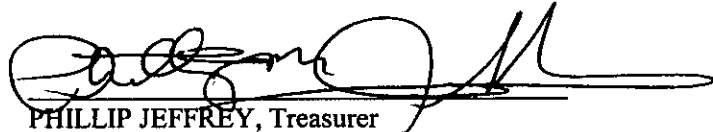
## 5. General

- a) Legal action taken against the board of directors will be covered by the WPVHOA in whole. When this action is concerning WPVHOA business, WPVHOA will cover all expenses. Any board member or members shall be held blameless for any and all cost or judgments. If acting in good faith as a layman in the law.
- b) Bids and contracts: The board will have the sole responsibility to award bids and contracts in behalf of the WPVHOA.
- c) If at any time the bylaws are in conflict with local, state, or federal laws, the laws of the land will be used.
- d) At no time may any one (1) home owner or member hold more than one (1) elected position in the association. Only one member of a household may be elected to a position.
- e) If a paid job is to be awarded to any member of the board, or member of that home, this bid award must be done in open meeting and with the approval of that meeting.
- f) All voting must be done in accordance with the WPVHOA C C and R., the sole exemption being election of officers, proxy votes may not be used. Proxy votes however can be used for all other types of voting. This form may be obtained from the association officers, not more than three (3) weeks prior to a meeting. A copy must be sent to the association by the home owner and must be received by the association 3 days prior to the meeting or the proxy vote will be disallowed. Any and all proxy votes must be verifiable by the board of directors or their authorized agent or the proxy will be disallowed. The association will not be responsible for any delay caused by the mail system. Hand delivering the proxy form to any authorized member of the association, will be an acceptable alternative to mail.

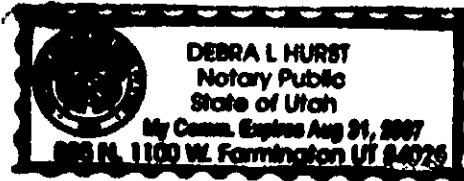
- g) At no time shall any board member receive gifts or gratuity that exceed twenty-five dollars (\$25) in value from any party placing bids, potential contractors, or current contractors. If any gratuity is received it must be disclosed at the next board meeting or as soon as applicable. Failure to disclose can lead to dismissal of said board member during a special meeting of the association.
- h) The WPVHOA shall continue in existence unless sooner dissolved according to law.
- i) The laws and bylaws of the association may be amended at appropriate meetings as called for by the members of the association. Any amendment must conform to all laws, the C.C and R., and incorporation of this association.

**WEST PARK VILLAGE HOMEOWNER'S ASSOCIATION**

  
 \_\_\_\_\_  
 TIM MAURER, President

  
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 PHILLIP JEFFREY, Treasurer

STATE OF UTAH :  
 :SS:  
 COUNTY OF DAVIS :



On the 17<sup>th</sup> day of June, 2005, personally appeared before me TIM MAURER, President and PHILLIP JEFFREY, Treasurer who duly acknowledged they are the President and Treasurer respectively of WEST PARK VILLAGE HOMEOWNER'S ASSOCIATION with authority to sign said document on behalf of said of corporation, by virtue of a resolution of its Board of Directors.

  
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 NOTARY PUBLIC RESIDING

EXHIBIT A

All of Lots 201 through 240 West Park Village Plat B according to the official plat thereof recorded in the office of the Davis County Recorder.

12-411-0201 thru 0240

All of Lots 301 through 352 West Park Village Plat C according to the official plat thereof recorded in the office of the Davis County Recorder.

12-371-0301 thru 0352

All of Lots 401 through 418 West Park Village Plat D according to the official plat thereof recorded in the office of the Davis County Recorder.

12-404-0401 thru 0418