NORTH HILLS ESTATES SUBDIVISION

AMENDED AND RESTATED
DECLARATION OF BUILDING RESTRICTIONS

TABLE OF CONTENTS

ARTICLE I – DEFINITIONS 3

Section 1. Amended and Restated Declaration 3
Section 2. Association 3
Section 3. Ballot 3
Section 4. Board of Directors or Board 3
Section 5. Bylaws 3
Section 6. City 3
Section 7. Common Areas 3
Section 8. Default or Owner Fault 3
Section 9. Dwelling 4
Section 10. Easement 4
Section 11. Electronic Transmission or Electronically Transmitted 4
Section 12. Good Standing 4
Section 13. Governing Documents 4
Section 14. Grantor or Developer 4
Section 15. Indemnify 4
Section 16. Lot 4
Section 17. Lot Owner or Owner 4
Section 18. Member 5
Section 19. Non-Owner Occupant 5
Section 20. Proper Purpose 5
Section 21. Property 5
Section 22. Right to Inspect 5
Section 23. Structure 5
Section 24. Subdivision 5
Section 25. Volunteer 6

ARTICLE II – HOMEOWNERS ASSOCIATION 6

Section 1. Creation and Purpose 6
Section 2. Membership 6
Section 3. Articles and Bylaws 6
Section 4. Directors 6
Section 5. Principal Office 7

ARTICLE III – PROPERTY SUBJECT TO THIS DECLARATION 7

Section 1. Legal Description of Property....7
Section 2. Owners' Easements of Enjoyment – Common Areas....7
Section 3. Delegation of Use....7
Section 4. City's Right to Maintain Common Areas....7

ARTICLE IV – COVENANT FOR ASSOCIATION ASSESSMENTS....8

Section 1. Personal Obligation of Assessments and Creation of a Lien....8
Section 2. Apportionment of Assessments – Uniform Rate of Assessments....8
Section 3. Annual Budget....8
Section 4. Spending Constraints for New Equipment or New Improvements....8
Section 5. Establishment of Assessments....8
A. Annual Assessment.....9
(1) Purpose....9
(2) Due Date and Amount....9
(3) Changes in Annual Assessment Amount....9
B. Special Assessment....10
(1) Purpose....10
(2) Notice and Meeting Requirements for a Proposed Special Assessment....10
(3) Membership Vote and Due Date....10
Section 6. Assessments in Default; Penalties for Default; Application of Payments....10
A. Assessments in Default....10
B. Penalties for Default....11
C. Application of Payments....11
D. Purchase of a Lot with Delinquent Assessments....11
E. Board of Directors' Power to Approve Payment Plans....11
Section 7. Effect of Nonpayment of Assessments; Remedies of the Association....11
Section 8. Certificate with Respect to Assessments....12
Section 9. Waiver of Use or Abandonment of Lot....13
Section 10. Subordination of the Lien to Mortgages....13
Section 11. Unpaid Assessments Due on Sale of Lot....13

ARTICLE V – INSURANCE....13

ARTICLE VI – ARCHITECTURAL REVIEW....14

Section 1. Architectural Review by the Board of Directors....14
Section 2. Disapproval of Plans for Improvements....14
Section 3. Compliance with Building and Use Restrictions....14
Section 4. Board of Directors Approval....15
Section 5. Review Fee….....15

ARTICLE VII – BUILDING AND USE RESTRICTIONS FOR THE SUBDIVISION....15

Section 1. Use of Lots....15
A. Single Family Residential Use Only....15
B. Permitted Home Offices – Requirements....15
Section 2. Leasing……....16

A. Leasing Procedures 16
B. Lease Requirements 17
C. Exemptions 17
Section 3. Buildings 17
Section 4. Setback Lines.. 17
Section 5. Dwelling Square Footage and Construction Materials 18
Section 6. Fences and Walls 18
Section 7. Sight Distances..... 19
Section 8. Swimming Pools 19
Section 9. Temporary Structures.... 19
Section 10. Sheds, Accessory Buildings, and Storage Containers 19
Section 11. Vehicles and Equipment – Parking and Storage 19
A. Recreational Equipment and Trailers 20
B. Lawn Maintenance and Landscaping Equipment and Trailers 20
C. Commercial Vehicles and Trailers 20
D. Non-Operational Vehicles; Vehicles with Expired License Plates 20
E. Association's Right to Sticker or Tow Vehicles 21
Section 12. Signs..... 21
Section 13. Pets, Animals, and Livestock 21
Section 14. Garbage and Refuse Disposal 22
Section 15. Nuisances; Activities 22
Section 16. Easements – Utilities 22
Section 17. Owners' Maintenance of Easement Areas 22
Section 18. Solar Energy Systems 22
Section 19. Energy-Saving Improvements or Modifications 23
Section 20. Prohibition of Dangerous Items 23
Section 21. Drones, Unmanned Aerial Vehicles and Air Space Above Subdivision 23

ARTICLE VIII – RESTRICTIONS ON THE USE OF COMMON AREAS 24

Section 1. Litter and Pollution 24
Section 2. Prohibition of Dangerous Items 24
Section 3. Liability..... 24
Section 4. Published Rules and Regulations 24

ARTICLE IX – VOTING 24

Section 1. Voting Rights.. 24
Section 2. Eligibility to Vote 25
Section 3. Voting of Lots Owned by More than One Owner; Designation of Voting Representative. 25
A. Right to Vote – Lots Owned by More than One Owner 25
B. Designation of Voting Representative for a Lot 25
C. Association's Right to Request Lot Owner Information 25
Section 4. Voting..... 25
A. Voting – Generally 26
B. Proxies and Absentee Ballots 26
C. Cumulative Voting Prohibited 26

Section 5. Action Without a Meeting 27
Section 6. Majority……....27

ARTICLE X – MEMBERSHIP MEETINGS....27

Section 1. Place and Conduct of Meeting....27
Section 2. Annual Meetings; Order of Business....27
Section 3. Special Meetings....28
Section 4. Notice of Meetings....28
Section 5. Participation by Remote Communication....29
Section 6. Quorum…… 29
Section 7. Adjournment for Want of Quorum 29
Section 8. Consent of Absentees....29
Section 9. Waiver of Notice....30
Section 10. Minutes; Presumption of Notice 30

ARTICLE XI – BOARD OF DIRECTORS 30

Section 1. Qualifications of Directors....30
Section 2. Size; Terms of Office; Staggered Board....31
Section 3. Powers and Duties – Generally....31
Section 4. Other Powers and Duties of the Board of Directors 32
Section 5. Loans Prohibited 33
Section 6. Management Agent....33
Section 7. Vacancies…… 33
Section 8. Recall; Automatic Resignation 33
Section 9. First Meeting of a Newly Elected Board 34
Section 10. Regular Meetings 34
Section 11. Special Meetings....34
Section 12. Board Voting on Actions Without a Meeting....34
Section 13. Remote Communication – Board Meetings....34
Section 14. Waiver of Notice....35
Section 15. Quorum – Board Meetings....35
Section 16. Fidelity Bonds; Employee Dishonesty Insurance 35
Section 17. Executive Sessions....35
Section 18. Conflicts of Interest....35
Section 19. Meeting Minutes 36
Section 20. Electronic Transmission....36

ARTICLE XII – OFFICERS… 36

Section 1. Designation of Officers....36
Section 2. Election or Appointment....36
Section 3. Removal…….. 36
Section 4. President……....37
Section 5. Vice President. 37
Section 6. Secretary……. 37
Section 7. Treasurer……. 37

Section 8. Duties…….. 38

ARTICLE XIII – COMMITTEES....38

Section 1. Creation of Committees.. 38
Section 2. Eligibility for Committee Members....38
Section 3. Standing Committees. 38
A. House and Grounds Committee....38
B. Social Committee....38

ARTICLE XIV – RECORDS AND FINANCES....38

Section 1. Fiscal Year…. 38
Section 2. Records…… 39
Section 3. Member's Right to Inspect; Proper Purpose Requirement 39
Section 4. Limits on Member's Right to Inspect 39
Section 5. Financial Statements 40
Section 6. Depositories… 40

ARTICLE XV – INDEMNIFICATION OF DIRECTORS AND OFFICERS; DIRECTORS' AND OFFICERS' INSURANCE....40

Section 1. Indemnification of Directors, Officers, and Non-Director Volunteers by the Association – Generally……....40
Section 2. Indemnification of Directors, Officers, and Non-Director Volunteers by the Association – Derivative Actions in the Right of the Association 41
Section 3. Directors and Officers Liability Insurance 41

ARTICLE XVI – COMPLIANCE....42

ARTICLE XVII – AMENDMENTS....42

Section 1. Proposal…….....42
Section 2. Membership Meetings Regarding Amendments; Voting 42
Section 3. Term and Automatic Renewal 43

ARTICLE XVIII – ENFORCEMENT AND REMEDIES....43

Section 1. Remedies – Generally....43
Section 2. Remedies – Specifically....44
A. Legal Action....44
B. Recovery of Costs and Attorney Fees....44
C. Removal and Abatement....44
D. Assessment of Fines....45
(1) Procedures....45
(2) Hearing and Decision....45
(3) Fine Schedule....46
E. Collection of Fines....46
Section 3. Nonwaiver of Right....46

Section 4. Cumulative Rights and Remedies 46
Section 5. Enforcement of Provisions of Governing Documents 46

ARTICLE XIX – OTHER GENERAL PROVISIONS 47

Section 1. Annexation of Additional Lots and Common Areas 47
Section 2. Number and Gender 47
Section 3. Appointment of Association as Attorney in Fact 47
Section 4. Non-Discrimination and Fair Housing Compliance 47
Section 5. Severability 47
Section 6. Captions 47
Section 7. Conflicts of Provisions 48