

# Weems Plantation Homeowners Association, Inc.

## Amended Bylaws

20100002516  
THIS DOCUMENT HAS BEEN  
RECORDED IN THE PUBLIC RECORDS  
OF  
LEON COUNTY FL  
BK: 4073 PG:1535, Page1 of 7  
01/14/2010 at 01:54 PM,

BOB INZER, CLERK OF COURTS

### Article 1 – Definitions

Association – Weems Plantation Homeowners Association, Inc., a nonprofit corporation organized and existing under the laws of the state of Florida

The Properties – See the Articles of Incorporation for the legal description of Weems Plantation

Common Properties – The portion of The Properties that are not owned by individual residents or the City of Tallahassee

Owner Properties – The properties held by individual owners within “The Properties”

Owner – The legal owner of the “Owner Properties”

Resident – Person residing in an Owner Property

Guest – Visitor to an Owner Property

Proxy – The delegation of your voting right to another individual. Votes may only be proxied to other homeowners or to individuals with a valid power of attorney.

### Article 2 – Location

Please see the Covenants for legal description of the properties contained in the Weems Plantation Homeowners Association.

### Article 3 – Association Purposes and Powers

The purpose of the Association is to seek to improve the quality of life in the neighborhood in matters of land use, environmental protection, public services, consumer protection, preservation of the historic and unique character of the community, to provide support in other matters of neighborhood concern, and to promote and participate in the civic life of the City and County.

### Article 4 – Board of Directors

The Board of Directors shall consist of 5 directors, each of whom must be a Member of the Association. Directors will be elected in accordance with the By-Laws regarding Voting Rights and Procedures. Each director will serve for a term of two years for the period of January 1 through December 31. Terms shall be staggered to provide a continuity of leadership, with 3 officers being elected in even numbered years and the remaining two in odd numbered years.

For the first year of elections (2008), all 5 officers shall be elected with the 3 receiving the most votes being elected for 2 years and the remaining 2 being elected for 1 year. Directors may be removed with or without cause by a vote in accordance with the By-Laws regarding Voting Rights and Procedures. In the event of a vacancy in an elected Board position, a successor must be appointed by the remaining board members to serve for the remainder of the term at the next board meeting.

Board members will receive no compensation for any service rendered in accordance with their duties as a board member. Directors may be reimbursed for documented, actual expenses incurred in the performance of their duties upon a majority vote of the board.

## Article 5 – Officers

The board, from among its membership, shall elect a president, two vice presidents, a secretary, and a treasurer.

All board members have an equal vote in decisions of the board.

The president's responsibilities include presiding over all meetings, seeing that the orders of the board are carried out, and to sign all official documents of the association as directed by the board.

The vice-president shall perform all duties of the president in the absence of the president.

The 1<sup>st</sup> vice president shall be the liaison for the communications committee.

The 2<sup>nd</sup> vice president shall be the liaison for the remaining committees.

The secretary shall keep a record of all meetings. The secretary shall create the agenda for each meeting. The association manager shall be responsible for maintaining the remaining documents of the association. The secretary shall review the work of the association manager.

The treasurer shall report on the financial status of the association at all meetings. The association manager shall be responsible for maintaining the books of the association. The incoming treasurer and board shall work with the outgoing treasurer and board during the months of November and December to develop a budget for the following calendar year. The first order of business for the incoming board shall be to approve the budget. The treasurer shall review the work of the association manager.

If an officer has unexcused absences from 3 consecutive meetings of the Board, the Board may take action to remove the officer and fill the vacant position.

## Article 6 – Board of Directors Powers and Duties

The board exists for the direct purpose of acting upon the will of the homeowners in accordance with the associations purpose. The board shall have the following powers and duties:

To call special meetings as deemed necessary by the board and to hold regular meetings as defined by Article 8.

To appoint or remove at pleasure, all officers, agents, and employees of the Association as well as to determine the compensation and duties of such.

To establish, levy, assess, and collect assessments, fines and other charges.

To establish and enforce rules and regulations regarding the maintenance and appearance of properties within the association. The assessment of fines is expressly permitted to enforce these rules.

To approve or deny all unbudgeted expenditures. Expenditures over \$500 shall require the board to request 3 bids. The bids must be delivered sealed and opened only at a regular meeting and approved by the board. Emergency expenditures may be approved outside of a regular meeting.

To pay the bills of the association. The president, 1<sup>st</sup> vice president, and treasurer shall be listed as authorized signators for checks. Checks for over \$200 shall require two signatures. The board shall provide instructions to the bank on which association checks are drawn to enforce this rule.

## Article 7 – Membership

Membership in the association is limited to those who have an ownership interest in a property contained within Weems Plantation. The rights of membership are subject to the payment of annual and special assessments and fines levied by the association.

For voting purposes, each property will be entitled to one vote regardless of the number of individuals who have an ownership interest in said property. An individual that owns multiple properties will be entitled to one vote for each property.

## Article 8 – Meetings (Monthly and Annual)

Monthly board meetings are open to all homeowners. Monthly meetings may be periodically canceled, rescheduled, or held at an alternative location if notice of such change is placed in the entrance boxes at least 3 days prior to the meeting. Reminders of this regular meeting shall be printed in all newsletters sent to homeowners. All residents have the right to speak for 2 minutes at this meeting provided they request time 1 days prior to the meeting through the secretary. However, all residents should be given the opportunity to speak if possible and failure of the resident to properly make the request should not be the sole reason for denying someone time to speak. The agenda for each monthly meeting must include:

- Approval of minutes of prior meeting
- Financial update
- Committee reports
- Old Business/New Business

Annual meetings shall be held in November of each year. Notice of this meeting shall be provided in accordance with the requirements of Article 9. Residents have the same rights to speak at an annual meeting as at a monthly meeting. The agenda for an annual meeting must at a minimum include the same items as a monthly meeting as well as voting when applicable.

New directors shall be installed at the January meeting.

## Article 9 – Voting Rights and Procedures

These procedures apply to all issues the community needs to decide, including (but not limited to) election of board members and changes to covenants and bylaws.

More than 60 days prior to a vote – At a scheduled meeting prior to an election, the board shall appoint three volunteers who are present at the meeting as the election committee. The committee shall select a chair. Committee members may be any property owner who is current on their dues. Committee members may not be board members and may not seek election to the board while on the committee. The committee shall direct the following activities.

60 days prior to vote (for elections only) –

Public notice (at a minimum, posting on the website, available at the entrance boxes, and mailed to non-resident owners) shall be provided no less than 60 days prior to the election. This notice shall give no less than 21 days from the date of the notice for current eligible property owners (defined as those property owners who are current on their dues) to submit to the committee in writing their intent to run.

30 days prior to vote -

For elections, a ballot listing all candidates, who submitted to the board their written intent to run as defined above, shall be provided (either mailed or otherwise left at each property) to each property owner no less than 30 days prior to the election. If a candidate so chooses, a brief statement may be included with the ballot.

For other issues, a ballot to vote on the matter (including a detailed description of the matter to be voted upon) shall be provided to each property owner no less than 30 days prior to the vote.

Ballots should be mailed to non-resident property owners. Each ballot must include the date, time, and location for the meeting at which the vote will take place along with instructions for submitting the ballot prior to the election or proxying the ballot.

Ballots may be mailed to the committee head or dropped off to a lock box at their home, proxied to another resident, turned in at the meeting, or another method deemed acceptable by the committee with the intent of maximizing the number of verifiable votes. Proxies and ballots must include the name, property address, signature, and signature date of the property owner. Proxies must also include the same information for the person the vote is proxied to.

The association manager shall provide to the committee as of October 31, a listing of all properties with owner information and dues status. This information shall be used by the committee to verify the eligibility of the votes.

Voting Meeting

For elections, each candidate will be given two minutes to speak. Any remaining votes will be collected and all submitted votes will be tabulated and results announced at the meeting. The two committee members shall tabulate the votes with the supervision of the committee head. If there is any disagreement between the two members regarding how the vote should be counted, the committee head shall make the final determination. A recount may be requested

by any candidate by making the request in writing to the committee head within 5 business days of the election and will be completed at the convenience of the committee within 10 business days. The person requesting the recount may be present at and observe the recount.

For other issues, interested parties will be given two minutes to speak on the issue up for vote. Any remaining votes will be collected and all submitted votes will be tabulated and results announced at the meeting.

If the above requirements have been met, residents will be considered to have been given proper notice and an opportunity to vote. The official results shall be determined by the totalling of the valid votes received. For elections, the names receiving the largest number of valid votes shall be elected. For other issues, the majority of the valid votes shall determine the decision. One vote is permitted per property and must be cast by one of the property owners. In the event more than one vote is received, only the one with the latest date will be counted.

Votes shall be retained for a period of at two years from the final effective date of the vote and shall be made available to current eligible property owners under the supervision of at least two board members or their designees within 30 days.

Any mailings conducted in the course of the above procedures shall be handled by the property manager who shall send the notices by first class mail and provide a proof of notice to the committee within 5 business days of the mailing.

## Article 10 – Property Rights and Rights of Enjoyment of Common Property

Each member is entitled to the use and enjoyment of the common properties and facilities as provided by the covenant. Renters may also make use of the common areas subject to the requirements of Article 13.

## Article 11 – Fines

Fines are necessary to ensure that covenants and bylaws are followed by all residents and thereby ensure that property values are maintained. Owners will be responsible for the actions of their tenants. You will receive a warning with a deadline to correct an issue before a fine is assessed. After the deadline has passed the association may have the issue corrected and bill you the cost of having the issue corrected. Additionally, for any violation, the board reserves the right to assess fines according to the following schedule: 1<sup>st</sup> Violation – Warning; 2<sup>nd</sup> Violation - \$25 fine, 3<sup>rd</sup> Violation - \$50 fine, 4<sup>th</sup> Violation - \$75 fine, 5<sup>th</sup> and subsequent violation - \$100 fine per violation.

\$250.00 for altering the common areas without the permission of the HOA. This includes a fine assessed for each tree cut in the common areas. In addition to the fine, violators shall be responsible for the cost correcting the alteration, or an additional assessment for damages if the alteration is not correctable.

\$250.00 for starting any project requiring ACC approval, prior to receipt of approval. In addition to this fine, the homeowner shall still be responsible to gain ACC approval and make any changes required to gain approval.

## Article 12 – Assessments

Please see the Covenants for information on Annual and Special Assessments.

## Article 13 – Renters

As the owner of the home, you are responsible for your property. Within 14 days of the execution of the rental agreement, the Owner must submit to the homeowners association the contact information for the property owner as well as the names and contact information for all Residents in the Owner's rental agreement. Additionally, the Owner must submit a statement signed by the Owner and Residents stating that a copy of the covenants and the By-Laws have been provided and that the Residents will follow them. Failure to do so will result in a fine of \$40 per month of non-compliance.

## Article 14 – Committees

The board shall establish committees to assist in the completion of their responsibilities. Committees should include, but not be limited to:

- Covenant Enforcements
- Communications (Voicemail, Newsletter, and Website)
- Welcome
- Grounds Maintenance
- Architectural Control
- CONA

## Article 15 – Association Records

The records of the association shall be at all times, during reasonable business hours, be subject to the inspection of any members.

## Article 16 – Pets

The presence of a pet cannot cause a disturbance to other residents. All pets shall be on a leash and under the control of the owner when not on the owners property. All pets shall be current on all their shots. The owner shall clean up all waste left by pets whether on community property or the property of other residents.

## Article 17 – Parking

Residents shall not have more vehicles than can be accommodated by their driveway and garage. The vehicles of residents shall not park on the street or grass on other than a temporary basis. Guests may park on the street if there is not enough space in the driveway to accommodate the guest. Guests must first park on the street in front of the home they are visiting before parking in front of other homes. Guests must not block the mailboxes or driveways of other residents.

## Article 18 – Modifications to Bylaws

These By-Laws may be amended, at a regular or special meeting of members in accordance with the Voting Rights and Procedures section of these By-Laws.

SWORN TO AND SUBSCRIBED before me this 10<sup>th</sup> day of December, 2009, by Weems Plantation Homeowners Association, Inc., as the Board of Directors, who is personally known to me.

Sign *Cheri L. Garbark*  
Print Cheri L. Garbark  
NOTARY PUBLIC  
My Commission Expires:

