

**BY-LAWS**  
**PINE TRAIL SHORES OWNERS ASSOCIATION**  
**SEPTEMBER 27, 2014**



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### **Article I. Association Membership**

#### **Section 1.01 *Property Owners***

- A.** Pine Trail Shores is a deeded subdivision with restrictions governing each section A, B, C & D.
- B.** Property Owners may make in writing an application to join the private club / Association in order to vote, use association's facilities, and attend membership meetings and social functions of Pine Trail Shores Owners Association.
- C.** Violations of the restrictions may face a lien and or fines.
  - 1) Type of fine, if the violation is ongoing or continuous, the fine may be levied on a periodic basis (such as daily, weekly, or monthly). If the violation is not ongoing, but is instead sporadic or periodic, the fine may be levied on a per occurrence basis.
  - 2) Other related fines; The Association is not entitled to collect a fine from an owner to whom it has not given notice and an opportunity to be heard. The Association may not charge interest on unpaid fines. The Association may not foreclose its assessment lien on a debt consisting solely of fines; however, the Board may adopt a collection policy that applies owners' payments to unpaid fines before retiring other types of assessments.
  - 3) **ADDITIONAL ENFORCEMENT RIGHTS.** Notwithstanding the notice and hearing requirement, the Board may take immediate and appropriate action, without giving the notices required in this Article, against violations of the Documents which, in the Board's opinion, are;
    - (i) Self-evident, such as vehicles parked illegally or in violation of posted signs;
    - (ii) Threatening to life or property; or Repeat violations of the same provision by the same owner to whom prior notices and errands have been given for the same violation. Further, the provisions of this Article do not apply to specific remedies provided in the Documents for certain violations, such as nonpayment of assessments.

## **Section 1.02     **Votes****

- A. Each owner of one or more lots in Pine Trail Shores Subdivision who is of good moral character, reputation and habits, and who by making writing application the membership committee, and is approved for member-ship by the membership committee of Pine Trail Owners Association is eligible for membership
- B. Each approved application gets one vote.
- C. The right to use all of the Association's facilities.
  - 1) All members and their families shall have the right to use all of the Association's facilities, including its boat docks, park and recreational area, to the extent permitted by and in accordance with the terms and conditions that may be set out in the Association's members' rules which may from time to time be established by its members.
  - 2) Each membership which is held by other than a single individual that is a single membership held by two or more persons, the use of the Association's facilities shall be used by the individual person and the family of such individual person named by such member.
- D. Arrears & Termination
  - 1) No member who is in arrears for more than 30 days in respect to the monthly assessments set forth in the restrictions of record in respect to Pine Trail Subdivision or in any other dues and/or accounts of the Association, shall be eligible to vote at any meeting of members, or use any the Association's facilities.
  - 2) Upon the termination of membership for any cause, whether it by resignation, death, expulsion or otherwise, all the rights and interest of the member in the privileges, rights, properties, funds or assets of the Association shall cease.
- E. Evidence of membership
  - 1) Membership shall be evidenced by a membership card, or
  - 2) Written Certificate by Board of Directors
- F. Membership Committee
  - 1) Membership committee which shall consist of three individuals appointed by the President of the Association
  - 2) The committee shall have final and complete authority to pass on all applications for membership

3) Each applicant for membership shall present to the committee an application in writing containing all of the information required on the application form signed by the applicant.

4) After approval by the membership committee, the applicant shall be entitled to membership.

G. Expulsion

1) A member may be expelled by a majority vote the members.

2) Expulsion / voluntary withdrawal will not discharge the expelled member's property owner's assessments indebtedness to the Association.

## **Article II. Dues and Assessments**

A. As to each lot under the subdivision restrictions an assessment is made of \$1.50 per month per lot. An additional assessment of \$1.00 per lot per month in respect to lots of which two or more or owned by the same person shall not exceed \$4.00 per month as to total of lots owned.

B. A majority of the members must approve all motions for any additional dues.

## **Article III. Board of Directors**

### ***Section 3.01 The affairs and management of the association shall be conducted by a Board of Directors.***

A. The Board of directors will consist of at least three resident property owners not to exceed five in total.

B. The Board shall have full power and authority to carry out the purpose of the Association. And to do any lawful acts necessary or proper thereto, including but not limited to, acts defined in the covenant restrictions.

C. Directors shall serve a term of three years and thereafter until their successors are elected and have qualified. Directors must be Resident members of the Association.

D. The terms of the Board of Directors shall be so staggered that one Director shall be elected yearly. Vacancies in the Board of Directors due to resignation, death, removal, or any other cause shall be filled by a majority of the remaining Directors by appointing a person to fill the term of the position.

E. Directors shall be elected at the annual meeting of members by a majority of the vote cast, in person or by proxy, at such meeting. Before the expiration of the term of any Directors, the Board of Directors shall appoint a nominating committee of three members; the committee shall nominate one nominee for each directorship to be filled.

- F. A majority of the Directors currently holding office shall constitute a quorum at any meeting, and a majority of those present shall be sufficient to determine any question, except in regard to Dues and Assessments. Meetings of the Board of Directors may be held at any place within Smith County Texas.

**Section 3.02** *The President shall be the chief executive officer of the Association and shall preside over meetings of the Board of Directors and meetings of the membership.*

**Section 3.03** *The Vice President shall exercise the function of the President in his absence and shall perform such other duties as the Board of Directors may prescribe.*

**Section 3.04** *The Secretary shall keep, or cause to be kept, the minutes of all meetings and a complete list of all members and their addresses, shall give the notices required therein, and shall perform all duties required of a Secretary.*

**Section 3.05** *The Treasurer shall work closely with the Board members in the collection of all fees, dues and charges and the handling and disbursing of all money. The Treasurer shall keep, or cause to be kept, the proper accounting of the Association's financial matters and such other reports as may be specified by the Board of Directors.*

**Section 3.06** *The Board of Director may appoint such committees from time to time, and delegate to such committees such duties, as it deems proper. All committee members serve at the discretion of the Board and are subject to removal by the Board.*

## **Article IV. Meetings**

- A. Conduct of meetings; the person presiding over the meeting may appoint a parliamentarian. The current edition of Robert's Rules of Order governs the conduct of meeting of the Association when not in conflict with the certificate of incorporation. Proper decorum will be expected by board members and association members.
- B. The annual meeting of the members of the Association shall be held at the recreational center in Pine Trail Shores Subdivision on the last Saturday in September of each year at 10:00 o'clock A.M.

## **Article V. GENERAL PROVISIONS**

**Section 5.01** *These By-Laws or part thereof may be amended, modified or repealed only by the majority vote of members.*

**Section 5.02** *Unless otherwise required by statute, by the Article of Incorporation, or by these By-Laws; any notice required to be given shall not be deemed to be personal notice, but may be orally given by the President or may be given by the President causing to be posted such notice upon the bulletin board / web site at the recreational area in Pine Trail Subdivision.*

**Section 5.03** *The Association shall not enter into any contract with, and shall not pay any salary or other remuneration to, any Director or committee member of the Association for their services.*

**Section 5.04** *The Association shall indemnify each director, officer, or committee member of the Association, or such person's heirs, executors and administrators, against all loss, costs and expenses, including counsel fees, reasonably incurred by him in connection with any action, suit or proceeding, or threatened action, to which the person may be made a party by reason of his being or having been an officer, director or committee member of the Association, except as to matters as to which he shall be finally adjudged in such action, suit or proceeding, to be liable for gross negligence or willful misconduct. In the event of a settlement, indemnification shall be provided only in connection with such matters covered by the settlement as to which the Association is advised by legal counsel that the person to be indemnified was not guilty of gross negligence or willful misconduct in the performance of his duty as such officer, director or committee member in relation to the matter involved. The foregoing rights shall not be exclusive of other rights to which such a person may be entitled.*