



Policies, Procedures and Regulations of the Timber Lakes Property Owners Association

1. **Purpose.** The purpose of this document is to set forth the procedures, policies, rules, and regulations governing the operation of the Timber Lakes Property Owners Association (“TLPOA” or “Association”).
2. **Governing Documents.** The following documents govern operation of the Association.
 - 2.1. Primary Documents
 - 2.1.1. Articles of Incorporation of Timber Lakes Property Owners Association (“AOI”)
 - 2.1.2. Declaration of Protective Covenants, Conditions, Restrictions and Management Policies for Timber Lakes Estates (“CC&Rs”)
 - 2.1.3. Maintenance Agreement for Timber Lakes Property Owners Association (“MA”)
 - 2.1.4. By-Laws of Timber Lakes Property Owners Association (“BL”)
 - 2.2. Secondary Documents
 - 2.2.1. Policies, Procedures and Regulations of the Timber Lakes Property Owners Association (“PP&Rs”)
 - 2.2.2. Architectural Control Regulations (“ACRs”)
 - 2.2.3. Election Guidelines (“EG”)
 - 2.2.4. Employee Handbook (“EH”)
 - 2.3. Conflict between Governing Documents. In the case of any conflict between any of these documents, the primary documents shall control. In the case of any conflict between any of the secondary documents, the Policies, Procedures and Regulations of TLPOA shall control. (See: By-Laws Article XIII, Section 2.)
 - 2.4. Amending the Governing Documents
 - 2.4.1. Amending the Articles of Incorporation. Article VIII of the AOI describes the process to modify the AOI. The board must pass a

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resolution and bring it before a meeting of the members. *“A two-thirds (2/3) majority of the votes cast at any such meeting shall be required for the adoption of any motion to approve a course of action proposed by the Board to the Members under the provisions of this article....”*
(See AOI Art VIII.)

2.4.2. Amending the By-Laws. The “By-Laws may be amended at a regular or special meeting of the Members by a vote of a majority of a quorum of Members present in person or by proxy.” (See BL Art XIII, Section 1.)

2.4.3. Amending the Declaration of Protective Covenants. The CC&Rs *“may be amended during the first twenty (20) year period by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners and thereafter by an instrument signed by not less than sixty percent (60%) of the Lot Owners. Any amendment must also be approved by the Board of County Commissioners and must be recorded in the Office of the County Recorder before such amendment shall become effective.”* (See CC&Rs Art IX, Section 3.)

2.4.4. Amending the Secondary Documents. Approval of this document will require approval by six (6) of the nine (9) directors to become binding on the Association and the Board. Any subsequent amendments will also require the approval by six of directors. Upon approval of this document, (the PP&Rs), the other secondary documents identified in section 2.2 above, will require approval of five members of the board of directors to be amended.

3. Definitions

3.1. **“Association”** shall mean the Timber Lakes Property Owners Association. (See BL Article II, Section 1 and CC&Rs Article I, Section 1)

3.2. **“Property”** shall mean the real property described in the Declaration of Covenants, and such additions as may hereafter be brought within the jurisdiction of the Association. (See BL Article II, Section 2) and CC&Rs Article I, Section 3)

3.3. **“Common Area”** shall mean and refer to all real property owned by the Association for the common use and enjoyment of the members. (BL Article I, Section 3) and CC&Rs Article I, Section 4)

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- 3.4. **“Lot”** shall mean and refer to any plot of land shown upon any recorded final plat map of the Properties with the exception of the Common Area. (BL Article I, Section 4 and CC&Rs Article I, Section 5)
- 3.5. **“Owner”** shall mean and refer to any person or entity who is the holder of record of a fee or undivided fee interest in any lot which is subject by covenants of record to assessment by the Association, including contract sellers, but excluding those holding an interest merely as security for the performance of an obligation. (See BL Article I, Section 5)
- 3.6. **“Declaration”** shall mean and refer to the Declaration of Covenants, Conditions, Restrictions and Management Policies applicable to the properties recorded in the Office of the Wasatch County Recorder. (See BL Article I, Section 6.) The Declaration is synonymous with the CC&Rs.
- 3.7. **“Member”** shall mean and refer to those persons entitled to membership as provided in the CC&Rs. (See BL Article I, Section 7.)
- 3.8. **“Board”** shall mean and refer to those persons elected or appointed to the Board of Directors of the Timber Lakes Property Owners Association.
- 3.9. **“Subdivision”** shall mean and refer to Timber Lakes Estates.

4. The Timber Lakes Property Owners Association

- 4.1. Purpose of the Association. The specific purposes for which the Association was formed are to provide for *“maintenance, preservation and architectural control of the residence lots and common area ... and to promote the health, safety and welfare of the residents....”* within the Subdivision. (See AOI Article IV.)
- 4.2. Powers of the Association. The Association shall have the right *“To exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, Conditions and Restrictions and Management Policies.”* (See AOI Article IV (a).)
- 4.2.1. Assessments. The Association shall have the power *“To fix, levy, collect and enforce by any lawful means payment of all charges or assessments pursuant to the terms of the Declaration....”* (See AOI Article IV (b).)
- 4.2.2. Expenses. The Association shall have the power *“To pay all expenses in connection therewith and all office and other expenses*

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incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association;” (See AOI Article IV (b).)

4.2.3. Real or Personal Property. The Association shall have the power *“To acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;” (See AOI Article IV (c).)*

4.2.4. Incur Debts. The Association shall have the power *“To borrow money and, with the assent of two-thirds (2/3) of the Members, to mortgage, pledge, deed in trust or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;” (See AOI Article IV (d).)*

4.2.5. Transfer Common Property. The Association shall have the power *“To dedicate or transfer all or any part of the Common Area to any public agency, authority or utility for such purpose and subject to such conditions as may be agreed to by the Members. No such dedication or transfer shall be effective unless two thirds (2/3) of the Members present or represented by proxy at a meeting called for such purpose shall agree to such dedication, sale or transfer;” (See AOI Article IV (e).)*

4.2.6. Mergers and Annexations. The Association shall have the power *“To participate in mergers and consolidations with other nonprofit corporations organized for the same purposes or to annex additional residential property and Common Area, provided that any such merger, consolidation or annexation shall have the assent of two thirds (2/3) of the Members present or represented by proxy at a meeting called for such purpose;” (See AOI Article IV (f).)*

4.2.7. Powers of a Corporation. The Association shall have the power *“To have and to exercise any and all powers, rights and privileges which a corporation organized under the Nonprofit Corporation Laws of the State of Utah by law may now or hereafter have or exercise.” (See AOI Article IV (g).)*

4.2.8. Legally Binding Documents. Any document intended to be legally binding on the Association, must be signed by at least five (5) members of the Board or by the President, Vice President or

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Treasurer if they are authorized to do so by a resolution of the Board passed by at least five (5) members of the Board.

4.3. Membership in the Association. *“Every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is subject by covenants of record to assessment by the Association, including contract sellers, shall be a Member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Lot, which is subject to assessment by the Association.”* (See AOI Article V.)

4.4. Membership Voting Rights. *“The Association shall have one class of voting membership. Members shall be all Lot owners and they shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot. A joint owner of a Lot casting a vote shall be presumed to have the concurrence of all other joint owners of the same Lot.”* (See AOI Article VI.)

5. The Organization of the Association

5.1. Board of Directors. *“The affairs of this Association shall be managed by a board of nine (9) directors who must be Members of the Association.”* (See AOI, Article VII and BL Article IV, Section 1.) *The number of directors may be changed by amendment of the By-Laws of the Association.”* (See AOI Article VII.)

5.1.1. Term of Office. *“...at each annual meeting...the Members shall elect three directors for a term of three years.”* (See BL Article IV, Section 2.)

5.1.2. Removal from Office. *“Any director may be removed from the Board, with or without cause, by a majority vote of the Members of the Association. 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 unexpired term of his predecessor.”* (See BL Article IV, Section 3.)

5.1.3. Compensation. *“Directors shall receive compensation for actual expenses incurred in the performance of their duties as determined by the Members of the Association.”* (See BL Article IV, Section 4.)

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5.1.4. Action taken without a meeting. *“The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.”* -BL ART IV Section 5

5.1.5. Powers of the Board of Directors

5.1.5.1. *“To adopt and publish rules and regulations governing the use of the Common Area and facilities and the personal conduct of the Members and their guests thereon and to establish penalties for any infraction thereof, which rules and regulations shall not be inconsistent with any provision of the Declaration;”* (See BL Article VII, Section 1(a).)

5.1.5.2. *“To suspend the voting rights and right to use of the recreational facilities of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing for a period not to exceed 60 days for infraction of published rules and regulations;”* (See BL Article VII, Section 1(b).)

5.1.5.3. *“To exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-laws, the Articles of Incorporation or the Declaration;”* (See BL Article VII, Section 1(c).)

5.1.5.4. *“...no Director in his individual capacity shall attempt to represent the Board of Directors to others in behalf of the Association unless authorized to do so by the Board of Directors.”* (See BL Article VII, Section 1(c).)

5.1.5.5. *“To declare the office of a Member of the Board of Directors to be vacant in the event such Member shall be absent from three (3) consecutive regular meetings of the Board of Directors;”* (See BL Article VII, Section 1(d).)

5.1.5.6. *“To employ a manager, an independent contractor or such other employees as they deem necessary and to prescribe their duties;”* (See BL Article VII, Section 1(e).)

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5.1.5.7. “To appoint a new member to the Board of Directors when a vacancy occurs for any reason at any time, except the expiration of a term. Such appointment shall be for the remainder of the term of the one whose position has become vacant.” (See BL Article VII, Section 1(f).)

5.1.6. Duties of the Board of Directors

5.1.6.1. *“To cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the Members at the annual meeting of the members or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the Members who are entitled to vote;”* (See BL Article VI, Section 2(a).)

5.1.6.2. *“To supervise all officers, agents and employees of this Association and to see that their duties are properly performed;”* (See BL Article VI, Section 2(b).)

5.1.6.3. *“To fix the amount of the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period;”* (See BL Article VI, Section 2(c).)

5.1.6.4. *“To send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment...”* (See BL Article VI, Section 2(c).)

5.1.6.5. *“To foreclose the lien against any property for which assessments are not paid within ninety (90) days after due date or to bring an action at law against the Owner personally obligated to pay the same.”* (See BL Article VI, Section 2(c).)

5.1.6.6. *“To issue or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a properly issued certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;”* (See BL Article VI, Section 2(d))

5.1.6.7. *“To procure and maintain adequate liability and hazard insurance on property owned by the Association;”* (See BL Article VI, Section 2(e).)

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5.1.6.8. *“To cause any officers or employees having fiscal responsibilities to be bonded as it may deem appropriate;” (See BL Article VI, Section 2(f).) “To cause the Common Area to be maintained in a clean, safe and attractive manner;” (See BL Article VI, Section 2(g).)*

5.1.6.9. *“To cause the exterior of the dwellings and the yards around the dwellings to be maintained in a clean, safe and attractive manner.” (See BL Article VI, Section 2(h).)*

5.1.6.10. *“The Board of Directors delegates the responsibility of providing exterior maintenance to the Owner of each Lot, but such delegation shall not absolve the Association of the responsibility of maintaining such Lot in the event of failure on the part of the Lot Owner to provide such exterior maintenance.” (See BL Article VI, Section 2(i).)*

5.2. The Officers of the Association and their Duties

5.2.1. Officers. *“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 designate.” (See BL Article VIII, Section 1.)*

5.2.2. Election of Officers. *“The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the Members.” (See BL Article VIII, Section 2.)*

5.2.3. Term of Officers. *“The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign or shall be removed or otherwise disqualified to serve.” (See BL Article VIII, Section 3.)*

5.2.4. Duties of the Officers of the Association

5.2.4.1. Authorization to Disburse Funds. *“The president, vice-president and treasurer are each authorized to sign checks issued by the Association; however, all checks issued by the Association must be signed by at least two (2) of the three (3) officers so authorized.” (See BL Article VIII, Section 8.)*

5.2.4.2. President. *The president, or an assigned Board member, shall represent the Association in all meetings, discussions and*

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negotiations with entities outside of the Association. The president, or an assigned Board member, shall sign all letters and documents representing the Association or its position on specific issues. The president shall be responsible to set the agenda for all meetings of the board and meetings of the Association's membership. The president shall develop and maintain a policies and procedures document (approved by the board) and insure that the policies and procedures of the Association are carried out. The president, or an assigned Board member, shall have the responsibility to work with legal counsel on all appropriate issues. *“The president shall preside at all meetings of the Board of Directors, shall see that orders and resolutions of the Board are carried out, shall sign all leases, mortgages, deeds and other written instruments and may co-sign any checks and promissory notes issued by the Association.”* (See BL Article VIII, Section 9(a).)

5.2.4.3. Vice-President. *“The vice-president shall act in the place and stead of the president in the event of his absence, inability or refusal to act and shall exercise and discharge such other duties as may be required of him by the Board. The vice-president may also co-sign any checks issued by the Association.”* (See BL Article VIII, Section 9(b).

5.2.4.4. Treasurer. The Treasurer for the Association shall oversee all of the financial records of the Association, develop financial controls and procedures for board approval, recommend to the Board a qualified accountant to handle the accounting functions, direct the accountant in maintaining proper records, procedures, and policies concerning assessments, fees, costs, finances, and member billing records and to direct the administrative assistant in all financial record keeping duties. *“The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors, keep proper books of account and prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting and provide a copy for each Member. The treasurer may also co-sign any checks issued by the Association.”* (See BL Article VIII, Section 9(d).)

5.2.4.5. Secretary. The Secretary shall oversee all of the written records of the Association including meeting minutes, records of resolutions, actions of the board and correspondence to and

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from the Association. *“The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Members, keep the corporate seal of the Association and affix it on all papers requiring said seal, serve notice of meetings of the Board and of the Members, keep appropriate current records showing the Members of the Association, together with their addresses, and perform such other duties as required by the Board.”* (See BL Article VIII, Section 9(c))

5.2.4.6. Multiple Offices. *“The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4 of this article.”* (See BL Article VIII, Section 7.)

5.2.4.7. Special Appointments. *“The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority and perform such duties as the Board may from time to time determine.”* (See BL Article VIII, Section 4.)

5.2.5. Board Member Assignments. Each year the Board shall appoint a member of the Board to oversee each of the following assignments. After the President, Vice President, Treasurer and Secretary elected, the remaining five Board members will be appointed to the other Board positions to serve for one-year terms. The Board will give preference the skills, experience and abilities of each Director. The Board may appoint an individual Board member responsibility for multiple assignments.

5.2.5.1. Annual Election. The Elections Director will serve as the Nominating Committee Chairperson and shall have responsibility to administer the annual election of members of the Board of Directors, the election of officers, and the voting for resolutions as outlined in the TLPOA Election Guidelines. The Elections Officer shall maintain the TLPOA Election Guidelines as approved by the Board of Directors.

5.2.5.2. Architectural Control. The Architectural Control Director shall review all building plans submitted to the Association for approval. If the plans are in full compliance to ALL the requirements of the Architectural Control Regulations, the Architectural Control Officer is authorized to stamp and sign the plans as approved by the TLPOA. Any variance to the ACRs

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must be approved by at least five (5) members of the members of the Board, in writing, before the plans are approved (stamped and signed) and returned to the member. The Architectural Control Officer is the Chair for of the Architectural Control Committee (see BL Article IX) and shall propose recommendations for amendments to the Architectural Control Regulations to the Board.

- 5.2.5.3. Common Area Improvements. The Common Area Improvements Director shall oversee and coordinate all approved improvement projects for common areas. This Director is also responsible for overseeing the appropriate use and maintenance of common areas.
- 5.2.5.4. Construction Compliance. The Construction Compliance Director shall oversee all Member compliance issues pertaining to the ACRs.
- 5.2.5.5. CC&R Compliance. The CC&R Compliance Director shall oversee all Member compliance issues pertaining to the CC&Rs.
- 5.2.5.6. Neighbor and Government Liaison. The Neighbor and Government Liaison Director shall serve as a liaison to the Heber Valley Camp and other neighboring properties. This Director shall also serve as the liaison with Wasatch County and have the responsibility track issues before the County that will affect Timber Lakes and report to the Board on those developments. This Director shall have responsibility to develop emergency egress from Timber Lakes and recreational access to Forest Service lands.
- 5.2.5.7. Newsletter. The Newsletter Director shall be responsible for coordinating the publishing and distribution of a newsletter for Members, to be produced at least three (3) times per year. This Director will work with a volunteer committee to accomplish the task.
- 5.2.5.8. Risk Management. The Risk Management Director shall oversee the insurance coverage of the Association and make recommendations to the Board to appropriately manage our exposure to liability issues. This director also advises the Board regarding appropriate property coverage.

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- 5.2.5.9. Roads. The Roads Director shall have the responsibility to insure that the roads are maintained and that the Board's road directives are accomplished. The Roads Director shall have the responsibility to evaluate the progress of the roads against the ten-year road improvement plan, to recommend to the board which projects should be undertaken in the coming year, to update the ten-year plan as necessary, to coordinate with the Timber Lakes Water Special Services District (the "Water Company"), develop and recommend to the board a snow removal policy, and report to Members on the road progress and plans. The Roads Director shall also oversee the TLPOA Road Crew.
- 5.2.5.10. Safety. The Safety Director shall oversee all safety issues in the Subdivision and shall be responsible for recommending measures to the Board that promote the safety and well-being of the Members, TLPOA employees and assets. This Director shall also have responsibility for Fire Safety, including fire evacuation plans & routes, fire warning system, coordinate fire safety with neighboring properties, and distribution of fire safety information to the members. This Director shall be the liaison with the Wasatch County Wild lands Fire Warden.
- 5.2.5.11. Security. The Security Director shall have responsibility for gate operations, security personnel, speed control and stray animals. This Director shall be the TLPOA liaison with the County Sheriff's department and shall have responsibility to maintain limited access to Timber Lakes, prevent trespassing, hunting within Timber Lakes, and illegal short-term renting.
- 5.2.5.12. Water. The Water Director shall serve as the liaison to the Water Company for the Board. This assignment is typically given to the Roads Director. This Director does NOT represent individual Property Owners to the Water Company. It is the duty of this Director to teach Members that the Association is NOT the Water Company.
- 5.2.5.13. Website .The Website Director shall be responsible for the hosting and maintenance of the Association's website.
- 5.2.6. Resignation and Removal. *"Any officer may be removed from office, with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of*

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such notice or at any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.” (See BL Article VIII, Section 5.)

5.2.7. Vacancies. *“A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer so replaced.”* (See BL Article VIII, Section 6.)

5.2.8. Committees. *“The Board of Directors shall appoint an Architectural Control Committee as provided for in Article VIII of the Declaration and a Nominating Committee as provided in Article V of [the] By-Laws. In addition, the Board of Directors may appoint other committees as deemed appropriate in carrying out its purpose.”* (See BL Article IX.)

The Board may hire a management company to accomplish the following:

5.3. Employees of the Association. The Board of Directors shall have power *“to employ a manager, an independent contractor or such other employees as they deem necessary and to prescribe their duties;”* (See BL Article VII, Section 1(e).) It shall be the duty of the Board of Directors *“to supervise all officers, agents and employees of this Association and to see that their duties are properly performed;”* (See BL Article VII, Section 2(b).)

5.3.1. Administrative Assistant. The duties of the Assistant shall include: Answer inquiries and obtain information for members and visitors, clerical duties, including answering telephones, selling gate remotes, ATV and snowmobile stickers to Members who are current in all their assessments and fees, word processing, copying, scanning and filing documents. The Assistant will be responsible to attend all public board meetings, take minutes and type up the official minutes of the meetings. Under the direction of the Treasurer, the Assistant will also have responsibility for accepting and depositing checks and coordinating with the Accountant process all bills. The Assistant also works under the direction of the VP of the Association

5.3.2. Road Supervisor. The duties of the Road supervisor are outlined in Appendix A.

5.3.3. Road Employee. The duties of this position include operation of several types of power construction equipment, such as grader, backhoe, dump truck, snow blower and snowplow. The Worker also

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repairs and maintains equipment and roads, including snow removal and performs other related duties.

- 5.3.4. Security Supervisor. The duties of the Security Supervisor shall include: training and supervising security employees under the direction of the Security Director.
- 5.3.5. Security Employee. The duties of the Security Employees include operation and maintenance of the security gate, preventing non-Member snowmobiles and ATVs from entering Timber Lakes, insuring that roads are clear of parked cars and are passable, preventing non-authorized vehicles and people from entering the Subdivision, periodically checking throughout the subdivision for break-ins or suspicious activity and reporting it to the Wasatch County Sheriff.
- 5.3.6. Other Employees or Contractors. The Board shall hire other employees as needed.
- 5.3.7. Employing Former Board Members. To avoid the appearance of any conflict of interest, it shall be the policy of the Association that the Board may not hire anyone to work as an employee of the Association who has served on the Board of Directors in the year prior to the start of their employment. However, if the Board determines there are extraordinary circumstances and that it would be in the best interest of the Association to hire the individual, a motion to do so must be approved by at least six (6) disinterested members of the Board.
- 5.4. Third-Party Contractors. The Board of Directors shall have power *“to employ a manager, an independent contractor or such other employees as they deem necessary and to prescribe their duties;”* (See BL Article VII, Section 1(e).) It shall be the duty of the Board of Directors *“to supervise all officers, agents and employees of this Association and to see that their duties are properly performed;”* (See BL Article VII, Section 2(b).)
- 5.4.1. Accountant. The Board shall hire a qualified accountant to maintain the accounting records of the Association. The accountant shall work under the direction of the Treasurer to propose, implement and maintain appropriate controls to safeguard the funds of the Association and to control receipts and disbursements.

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5.5. Hiring Procedure. The Association's hiring procedure shall be followed when hiring employees or third-party contractors.

5.5.1. Posting Positions. All open positions will be posted on the Association's website before filling the position. The Board may also choose to post the position in a newspaper. Temporary short-term positions may be filled without advanced posting.

5.5.2. Application Process. All prospective candidates will provide a resume, with job history and a completed TLPOA Employment Application before their application will be considered.

5.5.3. Interview Process. The Board will appoint an ad-hoc committee of Directors, assigning one Director to chair the committee. The Chair will invite qualified candidates to interview with the committee and provides copies of all of the information submitted by each candidate for review. The Committee interviews each candidate, generally asking the same questions, except questions relating to the candidate resume, work history, salary history or the candidate's application.

5.5.4. Selection of a Candidate. After interviewing the candidates, the Committee selects the best candidate for the position. Selecting a candidate to fill a posted position requires an affirmative vote or ratification by a majority of Directors.

5.6. Employee Handbook. The Board shall maintain an official Employee Handbook to govern the Association's relationship with its employees. This EH may be revised from time to time, as needed. Revisions to the EH require the affirmative vote of a majority of the members of the Board.

5.7. Meetings.

5.7.1. Annual Meeting. *"The date, time and place of such meeting shall be determined by the Board of Directors; and notice shall be given in accordance with Section [5.7.3]....The annual meeting shall be held, as nearly as may be practical, on the same day of each year."* (See BL Article III, Section 1.) The Board hereby notices all Members of record that the Annual Meeting is held on the Second Saturday of July at a place and time posted on the Association's website.

5.7.2. Special Meeting of Members. *"Special meetings of the Members may be called at any time by the president or by the Board of Directors or upon written request of the Members who are entitled to*

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vote one-fourth (1/4) of all of the votes of the membership.” (See BL Article III, Section 2.)

5.7.3. Notice of Meetings. *“The notice of any meeting of the Members shall include the place, day and time of the meeting and, in the case of a special meeting, the purpose of the meeting. Such notice shall be in writing, addressed to the Member at the address appearing on the records of the Association and mailed at least ten (10) days before the meeting date, except that any Member may authorize the giving of such notice to him or her by telephone. The notice shall be given by or at the direction of the secretary or the person or persons calling the meeting.” (See BL Article III, Section 3.)*

5.7.4. Board Meetings.

5.7.4.1. Regular meetings of the Board are held monthly with the exception of July and December and are open to Members of the Association. The schedule of such meetings is posted on the Association’s website. Minutes of these meetings are kept and copies of the published minutes shall be made available to the Members on the Association’s website.

5.7.4.2. Executive Board Meetings are limited to the Directors and others they specifically invite. These meetings are used to discuss employee issues, salaries, interviews, and other issues the Board determines should be discussed in closed session.

5.7.4.3. Committee Meetings are held as often as determined appropriate by the committee chairman.

5.7.5. Rules of Order for Meetings. The rules of order for Association meetings are patterned after *Robert’s Rules of Order, Newly Revised*.

5.7.5.1. Chairman. If present, the president of the Board will act as the chairman of all Board meetings. If the president is not in attendance, a vice president will act as the chairman. If neither the president nor a vice president are in attendance the secretary, or treasurer, or one of the other directors may be appointed to act as the chairman for that meeting.

5.7.5.2. Call to Order. The chairman will call the meeting to order and introduce the order of business (agenda).

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- 5.7.5.3. Reports. Individuals, who are asked to report on a specific topic, are given the floor for a set period of time, determined in advance of the meeting. At the conclusion of the report, the chairman may allow additional time for questions and answers related to the report.
- 5.7.5.4. Question and Answer Periods. First, questions will be taken from the members of the Board. After all the questions have been taken from members of the Board, the chairman will open the meeting up for questions from the audience.
- 5.7.5.5. Question and Answer Protocol. One wishing to ask a question will address the chairman requesting to ask a question. After being recognized by the chairman, the individual will ask the question. The floor will then be given to the Board member who will answer the question. The chairman may then recognize another individual who wishes to ask a question, and so continue with the question and answer period until there are no further questions or until the time allotted for questions has expired. Individuals requesting the floor to ask a question may not use that time for any other purpose than to pose a question concerning the report that was given or the motion in question.
- 5.7.5.6. Motions. Only members for the Board may make motions. A Director will ask the chairman for the floor. After being granted the floor, the director may have five minutes to state the motion and his reasons for supporting the motion. The chairman will then open the discussion for questions and answers first from the other Directors and them from the audience if time permits. Motions should be stated clearly to minimize any misunderstanding. At this point, other Directors may ask for a clarification or that the motion be amended. After another Director has seconded the motion, the chairman will restate the motion and open a question and answer period (See 5.7.4). At the conclusion of the question and answer period, the chairman will call for a vote of the directors. At the conclusion of the vote, the chairman will announce the results.
- 5.7.5.7. Audience Members wishing to address the Board. Members of the Association who wish to address the Board may contact the chairman prior to the meeting to be placed on the agenda. Individuals scheduling time on the agenda may be allocated up to 15 minutes. Individuals who request time at the meeting may be given up to five (5) minutes of time at the end of the meeting,

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under "Other Business." Members are requested to identify themselves by name and lot number, to verify their status as a Member. If an individual runs over his or her allotted time the chairman may retake the floor and continue with other business. If it is in the best interest of the Association and the conduct of business a Director may make a motion to extend the time allotted to the individual.

5.7.5.8. Time Keeper. The secretary, one of the directors, the Administrative Assistant or one of the Members may be assigned to keep the time and to inform the chairman when a speaker's time has expired.

5.7.5.9. Floor. After an individual has been granted the floor, he or she has the right to deliver his or her statement without interruption. The chairman shall maintain order and prevent others from interrupting. Any questions asked by the speaker may not be addressed until after he or she has relinquished the floor. If the speaker asks questions, the chairman may assign someone to answer them or defer an answer to a later time. After being granted time to address the Board, an individual may not be granted an additional time period until all others wishing to address the Board have been given the opportunity.

6. Financial Policies and Procedures

6.1. Records. The Association shall keep accurate accounting records.

6.1.1. Availability of the Association's Records to its Members. Certain records of the Association are open to all Members of the Association. Members may make an appointment to review such records in the Association office. All members requesting to review records will be given Appendix B (a memo from Association President explaining the procedure for obtaining records) and Appendix C (a records request form). Pursuant to Utah Code § 16-6a-1603(3) the Association imposes a "reasonable charge" to cover the labor and material for copies of any documents provided to a member. This charge is \$15.00 per hour for personnel time and \$.25 per copy page, with a minimum charge of \$5.00 for any single request. The Association, at its discretion, may require pre-payment of estimated costs of record research, retrieval and copying. Upon completion of research, retrieval and copying, the Association will return any remaining balance of any pre-payment. Alternatively, the Association will require payment of any amount that exceeds the pre-payment. A

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fee will not be imposed for a request solely for: (1) the nonprofit corporation's most recent annual financial statements, if any; and/or (2) the nonprofit corporation's most recently published financial statements, if any (per Utah Code §§ 16-6a-1603(3), 16-6a-1606). Please note that the Association may reject any request that fails to properly comply with this procedure. In addition, a Member may not use any information obtained through the inspection or copying of records for any purpose other than those set forth in their request form. (See Utah Code § 16-16a-1602(7).) Meeting minutes, warrant lists and other financial records are posted on the Association's website.

6.2. Audits. A financial audit of the books and records of the Association shall be conducted by an independent CPA on an annual basis.

6.3. Income

6.3.1. Assessments.

6.3.2. Power to Levy Assessments. The Articles of Incorporation give the Association the power *"To fix, levy, collect and enforce by any lawful means payment of all charges or assessments pursuant to the terms of the Declaration;"* (See AOI Article IV (b).)

6.3.3. Purpose of Assessments. *"The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety and welfare of the residents in the Properties, to improve and maintain the Common Area and to provide all other services and maintenance required of the Association by the Maintenance Agreement."* (See CC&Rs Article VI, Section 2.)

6.3.4. Lien for Assessments. *"The Declarant for each Lot owned within the Properties hereby covenants and each Owner of any Lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (i) annual assessments or charges, and (ii) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs and reasonable attorney's fees shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made."* (See CC&Rs, Article VI, Section 1.)

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- 6.3.5. Uniform Assessments. *“...both annual and special assessments shall be fixed at a uniform rate for each Lot.”* (See CC&Rs Article VI, Section 6.)
- 6.3.6. After January 1, 1989 *“the maximum annual assessment may be increased each year not more than 10% above the maximum assessment for the previous year without a vote of the membership.”* (See CC&Rs Article VI, Section 3(a).)
- 6.3.7. Increasing the Maximum Assessment. The *“maximum annual assessment may be increased above 10% by a vote of two-thirds (2/3) of the Members who are voting in person or by proxy at a meeting duly called for this purpose.”* (See CC&Rs Article VI, Section 3(b).) Members of the Association approved such an increase at the Annual Meeting in July 2001.
- 6.3.8. Fixing the Annual Assessment. *“The Board of Directors of the Association may fix the annual assessment at an amount not in excess of the maximum.”* (See CC&Rs Article VI, Section 3(c) Special Assessments.)
- 6.3.9. Special Assessments. *“In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of Members who are voting in person or by proxy at a meeting duly called for this purpose.”* (See CC&Rs Article VI, Section 4.)
- 6.3.10. Notice and Quorum Requirement for Assessment Changes. *“Written notice of any meeting called for the purpose of taking any action authorized under [CC&Rs] Section 3 or 4 shall be sent to all Members not less than 30 days nor more than 60 days in advance of the meeting. At such meeting, the presence of Members or of proxies entitled to cast one-third (1/3) of all the votes of the membership shall constitute a quorum. If the required quorum is not present, the Members entitled to vote who are present or represented thereat shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum is present or represented. No such subsequent meeting shall be held*

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more than sixty (60) days following the date for which the meeting was originally called.” (See CC&Rs Article VI, Section 5.)

6.3.11. Carryover Assessments. *“In its discretion the Association may require that any assessment not be expended by the Association in the year of its collection or it may provide that the assessments be treated as a contribution to the capital of the Association in the following years and maintained in a separate capital account until expenditure of such funds is appropriate. The Association may, in its discretion, hold such assessment funds as an agent for the members until the year in which the expenditure of such funds is appropriate; in such year the Association shall transfer such funds to the ownership of the Association before making the expenditure.” (See CC&Rs Article VI, Section 4.)*

6.3.12. Exempt Property. *“All Lots held by Declarant or its designated sales organization on Plats 1-14, which have heretofore never been sold on contract or otherwise shall be exempt from assessment. All Lots held by Declarant or its designated sales organization on Plat 18A shall be subject to assessment in the same manner as Lots held by other Lot Owners. All Properties dedicated to and accepted by a local public authority shall be exempt from the assessments created herein. However, no land or improvements devoted to dwelling use shall be exempt from assessments, regardless of ownership.” (See CC&Rs Article VI, Section 3(a).)*

6.4. Fees. The Board sets fees for certain items, including, but not limited to building plan reviews, construction, gate remotes, snowmobile stickers, mail house boxes, using a credit card to pay assessments and fees and Member-requested research and copying. The Association is a not for profit Utah corporation and the purpose of such fees to is to offset the expenses of operating the Association’s business.

6.5. Expenses.

6.5.1. Authorization for Expenditures. All expenditures must be approved in advance. No expense will be paid or reimbursed unless it has been approved in advance.

6.5.2. Individual Board Member Authority. Each individual Board member may authorize expenditures, without specific prior authorization from the full Board, if that expenditure is included in the approved budget for the area over which that Board member has responsibility, and if the expenditures to date for that budget category have not exceeded

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the approved budget for that category. Any such expenditure must be subsequently approved on the monthly warrant list.

6.5.3. Executive Officer Board Member Authority. Each executive board member (president, vice president, secretary and treasurer) may authorize expenditures, without prior authorization from the full board. The Vice President may authorize expenditures up to \$3,000 in a calendar month, without prior authorization from the full board. Any such expenditures authorized by any executive officer must be subsequently approved on the monthly warrant list.

6.5.4. Road manager Authority. The Road Supervisor may authorize expenditures up to \$250 in a calendar month, without prior authorization from the full board, if that expenditure is included in the approved budget for the Timber Lakes roads, and if the expenditures to date have not exceeded the approved budget for that category.

6.5.5. Emergency Authorization. In emergencies, where authorization for expenditures must be expedited and it is not possible or prudent to wait for the full board to approve the expenditure, the officers may authorize the expenditure. Such expenditures must be subsequently approved on the monthly warrant list.

6.5.6. Expenditures over \$1000. All expenditures over \$1000 must be authorized either 1) in a Board meeting with a quorum present or 2) by obtaining written or email approval from a majority of the Board. In the event authority is obtained through email, the expenditure must also be included in the monthly warrant list.

6.6. Reimbursement for Expenses incurred. Board Members, employees and Members may be reimbursed for actual expenses incurred in doing the business of the Association, if the board approves those expenses and if the proper expense report and documentation are provided. The request for reimbursement should be made within 30 days of the expenditure. Examples of appropriate expenses the Association may reimburse for are: travel required for Association business, personal vehicle mileage for Association business, purchase of supplies, and other items approved by the Board.

6.7. Professional Employment Organization. The Association will engage the services of a qualified Professional Employment Organization ("PEO") to handle all human resource functions, including, but not limited to, hiring, terminating, background checks, payroll, payroll taxes, payroll returns and payroll-related record keeping.

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6.8. Warrant List. All checks issued by the Association shall be included on a Warrant List even if the expenditure was approved under an individual Director's or employee's authority. Warrant lists are compiled monthly and approved in a Board meeting with a quorum present.

6.9. Association Credit Cards. The Association credit card is intended for emergency use or when it is impractical to issue a purchase order. In addition, the card may only be used for approved purposes up to the authorization limit of the individual using the card (see sections 6.5.1 – 6.5.6 of this document). All Association credit cards shall be kept by the Board member or Employee authorized by the Board to have a card. Such cards may not be used by anyone else without prior approval of the Treasurer. Anyone failing to follow these procedures may be required to repay the Association for all violating charges and may be subject to discipline by the Board.

6.10. Capital Expenditures. The Association will generally expense any item costing \$10,000 or less. It will generally capitalize any item costing greater than \$10,000.

6.10.1. Depreciation. The Association will use the straight-line depreciation method and will generally assign a salvage value of \$0 to the asset being depreciated.

6.10.2. Useful lives. The useful life of an asset will generally fall into one of the following categories:

- | | |
|---------------------------------------|----------|
| 6.10.2.1. Transportation Vehicle | 3 years |
| 6.10.2.2. Used Construction Equipment | 3 years |
| 6.10.2.3. New Construction Equipment | 7 years |
| 6.10.2.4. Building | 20 years |

6.11. Accounting Policies. Accounting policies and procedures are set by the Board, upon recommendation from the Treasurer, the Association's accountant, and other finance and accounting professionals. The Board shall modify these procedures from time to time as necessary and with the approval of a majority of the Board.

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7. Association Operations

7.1. Citations. See Appendix D.

Appendix A

Timber Lakes Roads Department Mission Statement:

The mission of the Timber Lakes Roads Department is to maintain all Association roads, primarily for the use of our Members. All Members, vendors, and suppliers will be treated with respect and in a courteous and polite manner. We will not promise more than we can deliver and will we deliver what we promise.

Job Title: Road Supervisor

Reports to: Board, generally and Roads Director specifically.

Duties:

- 1) Insure that all TLPOA roads are maintained in a reasonable condition.
- 2) Improve and maintain all roads with the Timber Lakes subdivision in accordance with the approved development plans and standards set by the Board.
- 3) Operate all equipment in a safe and prudent manner.
 - a) Maintain all drainage ditches and culverts to insure proper drainage, especially during the winter and spring run-offs. All culverts should be located and marked. Maintain a map of all culvert locations.
 - b) Work with the utility companies to insure that they flag all power boxes, phone pedestals and fire hydrants for winter snow plowing before October 15th.
 - c) Maintain all TLPOA equipment in a functional, safe and clean condition.
 - d) Perform a pre-operation inspection on the equipment each day before it is used and keep an appropriate log to show what was inspected and when each inspection was completed (OSHA requirement).
- 4) Train and supervise the work of the other Timber Lakes road employees, and assist with and participate in the construction, improvement and maintenance of the roads within the Subdivision.
- 5) Assist the Roads Director with the following tasks
 - a) Develop a Bi-annual Road Maintenance and Improvement Plan for all of the roads, including completion deadlines and quality checks. Present the plan to the Board for approval.
 - b) Work with the Timber Lakes Water Special Services District to minimize the impact of their projects on the Association's roads and to minimize the overall cost to property owners.

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- c) Help plan and organize Board approved roads capital improvement projects.
- d) Help in the creation of the Roads Department budget and work to stay within the approved budget. All proposals for new road improvements must be presented to the Board in writing, indicating the cost and time to complete, allowing sufficient time for the Board to review and approve.
- e) All requests for additional employees must be submitted to the board with sufficient justification and allowing sufficient time for the Board to review and approve.
- f) All bids for work to be performed for TLPOA by persons other than Association employees must first be submitted to the Board for review and approval.
- g) Purchase Order requisition forms must be completed and authorized by the Board in advance for all purchases.
- 6) Professionally represent the Association and our Members.
 - a) Maintain good relations with the Water Company, Wasatch County representatives, Heber Valley Camp personnel and local suppliers of goods and services.
 - b) Interface with and coordinate the efforts of outside suppliers providing goods and services to TLPOA for the improvement and maintenance of the Association's roads.
 - c) Maintain good relations with the property owners, treating everyone with respect and courtesy.
- 7) Maintain accurate and complete records for the Roads department.
 - a) Maintain records for each piece of equipment, including costs, maintenance, repairs, fuel consumption, oil, antifreeze and other fluids. Record the date, time, hour, meter and odometer readings for all maintenance and service on the equipment.
 - b) Record and maintain daily progress reports, indicating the work performed and the time spent. Keep sufficient detail so that costs to maintain each road can be determined as well as the cost for winter plowing.
 - c) Ensure that all Roads Department time cards are accurate, have been punched in and out appropriately on the time clock and turned-in in a timely manner. As supervisor, sign the time cards for each person working under you, certifying that they are accurate.
- 8) Perform other tasks as requested or deemed necessary by the Board for the safety, or betterment of Timber Lakes.
- 9) Comply with the TLPOA Employee Handbook.

Qualifications:

The position requires a minimum of five (5) years experience, operating and maintaining equipment equivalent to the equipment owned and operated by the Association, including snow blower, road grader, dump truck, water truck, and compactor.

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Performance Measures:

Performance will be measured on the following criterion:

- 1) Property Owner Satisfaction. (May be measured through a Member survey).
- 2) Accomplishing the goals set and assignments given by the TLPOA Board.
- 3) Staying within the approved Budget.
- 4) Meeting schedules and commitments on the roads projects
- 5) Maintaining the driving surface of the roads.
- 6) Maintaining all TLPOA equipment for safe and efficient operation.
- 7) Work attendance record (excessive tardiness and or absence)

Appendix B

Procedure for Obtaining Records

January 13, 2010

To: All Members of the Timber Lakes Property Owners Association

From: Mike Durr, President

Re: Procedure for Obtaining Records

Certain records of the Association are open to all Members of the Association. Members may make an appointment to review such records in the Association office. All members requesting to review records will be given a copy of this memo and a Records Request Form. Pursuant to Utah Code § 16-6a-1603(3) the Association imposes a "reasonable charge" to cover the labor and material for copies of any documents provided to a member. This charge is \$15.00 per hour for personnel time and \$.10 per copy page, with a minimum charge of \$5.00 for any single request. The Association, at its discretion, may require pre-payment of estimated costs of record research, retrieval and copying. Upon completion of research, retrieval and copying, the Association will return any remaining balance of any pre-payment. Alternatively, the Association will require payment of any amount that exceeds the pre-payment. A fee will not be imposed for a request solely for: (1) the nonprofit corporation's most recent annual financial statements, if any; and/or (2) the nonprofit corporation's most recently published financial statements, if any (per Utah Code §§ 16-6a-1601-3(1-3), 16-6a-1606, 57-8a-227.

Please note that the Association may reject any request that fails to properly comply with this procedure.

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In addition, a Member may not use any information obtained through the inspection or copying of records for any purpose other than those set forth in their request form. (See Utah Code § 16-16a-1602(7).)

Meeting minutes, warrant lists and other financial records are posted on the Association's website.

[Index](#) [Utah Code](#)
[Title 16](#) Corporations
[Chapter 6a](#) Utah Revised Nonprofit Corporation Act
[Part 16](#) Records, Information, and Reports
[Section 1602](#) Inspection of records by directors and members.

16-6a-1602. Inspection of records by directors and members.

- (1) A director or member is entitled to inspect and copy any of the records of the nonprofit corporation described in Subsection [16-6a-1601\(5\)](#):
- (a) during regular business hours;
 - (b) at the nonprofit corporation's principal office; and
 - (c) if the director or member gives the nonprofit corporation written demand, at least five business days before the date on which the member wishes to inspect and copy the records.
- (2) In addition to the rights set forth in Subsection (1), a director or member is entitled to inspect and copy any of the other records of the nonprofit corporation:
- (a) during regular business hours;
 - (b) at a reasonable location specified by the nonprofit corporation; and
 - (c) at least five business days before the date on which the member wishes to inspect and copy the records, if the director or member:
 - (i) meets the requirements of Subsection (3); and
 - (ii) gives the nonprofit corporation written demand.
- (3) A director or member may inspect and copy the records described in Subsection (2) only if:
- (a) the demand is made:
 - (i) in good faith; and
 - (ii) for a proper purpose;
 - (b) the director or member describes with reasonable particularity the purpose and the records the director or member desires to inspect; and
 - (c) the records are directly connected with the described purpose.
- (4) Notwithstanding Section [16-6a-102](#), for purposes of this section:
- (a) "member" includes:
 - (i) a beneficial owner whose membership interest is held in a voting trust; and
 - (ii) any other beneficial owner of a membership interest who establishes beneficial ownership; and
 - (b) "proper purpose" means a purpose reasonably related to the demanding member's or director's interest as a member or director.
- (5) The right of inspection granted by this section may not be abolished or limited by the articles of incorporation or bylaws.
- (6) This section does not affect:
- (a) the right of a director or member to inspect records under Section [16-6a-710](#);
 - (b) the right of a member to inspect records to the same extent as any other litigant if the member is in litigation with the nonprofit corporation; or
 - (c) the power of a court, independent of this chapter, to compel the production of corporate records for examination.
- (7) A director or member may not use any information obtained through the inspection or copying of records permitted by Subsection (2) for any purposes other than those set forth in a demand made under Subsection (3).

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Utah Code

Effective 5/12/2015

57-8a-227 Records -- Availability for examination.

- (1)
- (a) Subject to Subsection (1)(b), an association shall keep and make documents available to lot owners in accordance with Sections 16-6a-1601 through 1603, 16-6a-1605, 16-6a-1606, and 16-6a-1610, regardless of whether the association is incorporated under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
 - (b) An association may redact the following information from any document the association produces for inspection or copying:
 - (i) a Social Security number;
 - (ii) a bank account number; or
 - (iii) any communication subject to attorney-client privilege.
- (2)
- (a) In addition to the requirements described in Subsection (1), an association shall make documents available to lot owners in accordance with the association's governing documents.
 - (b) If a provision of an association's governing documents conflicts with a provision of this section, the provision of this section governs.
- (3) In a request to inspect or copy documents, a lot owner may:
- (a) elect whether to inspect or copy the documents;
 - (b) if the lot owner elects to copy the documents, request hard copies or electronic scans of the documents; or
 - (c) subject to Subsection (4), request that:
 - (i) the association make the copies or electronic scans of the requested documents;
 - (ii) a recognized third party duplicating service make the copies or electronic scans of the requested documents; or
 - (iii) the lot owner be allowed to bring any necessary imaging equipment to the place of inspection and make copies or electronic scans of the documents while inspecting the documents.
- (4)
- (a) An association shall comply with a request described in Subsection (3).
 - (b) If an association produces the copies or electronic scans:
 - (i) the copies or electronic scans shall be legible and accurate; and
 - (ii) the lot owner shall pay the association the reasonable cost of the copies or electronic scans, which may not exceed:
 - (A) the actual cost that the association paid to a recognized third party duplicating service to make the copies or electronic scans; or
 - (B) if an employee, manager, or other agent of the association makes the copies or electronic scans, 10 cents per page and \$15 per hour for the employee's, manager's, or other agent's time making the copies or electronic scans.
 - (c) If a lot owner requests a recognized third party duplicating service make the copies or electronic scans:
 - (i) the association shall arrange for the delivery and pick up of the original documents; and
 - (ii) the lot owner shall pay the duplicating service directly.
 - (d) If a lot owner requests to bring imaging equipment to the inspection, the association shall provide the necessary space, light, and power for the imaging equipment.
- (5) If, in response to a lot owner's request to inspect or copy documents, an association fails to comply with a provision of this section, the association shall pay:
- (a) the reasonable costs of inspecting and copying the requested documents; and

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Utah Code

- (b) reasonable attorney fees and costs incurred by the lot owner in obtaining the inspection and copies of the requested documents.
- (6)
 - (a) In addition to any remedy in the association's governing documents or otherwise provided by law, a lot owner may file an action in court under this section if:
 - (i) an association fails to make documents available to the lot owner in accordance with this section, the association's governing documents, or as otherwise provided by law; and
 - (ii) the association fails to timely comply with a notice described in Subsection (6)(d).
 - (b) In an action described in Subsection (6)(a):
 - (i) the lot owner may request:
 - (A) injunctive relief requiring the association to comply with the provisions of this section;
 - (B) \$500 or actual damage, whichever is greater; or
 - (C) any other relief provided by law; and
 - (ii) the court shall award costs and reasonable attorney fees to the prevailing party, including any reasonable attorney fees incurred before the action was filed that relate to the request that is the subject of the action.
 - (c)
 - (i) In an action described in Subsection (6)(a), upon motion by the lot owner, notice to the association, and a hearing in which the court finds a likelihood that the association failed to comply with a provision of this section, the court shall order the association to immediately comply with the provision.
 - (ii) The court shall hold a hearing described in Subsection (6)(c)(i) within 30 days after the day on which the lot owner files the motion.
 - (d) At least 10 days before the day on which a lot owner files an action described in Subsection (6)(a), the lot owner shall deliver a written notice to the association that states:
 - (i) the lot owner's name, address, telephone number, and email address;
 - (ii) each requirement of this section with which the association has failed to comply;
 - (iii) a demand that the association comply with each requirement with which the association has failed to comply; and
 - (iv) a date by which the association shall remedy the association's noncompliance that is at least 10 days after the day on which the lot owner delivers the notice to the association.
- (7)
 - (a) The provisions of Section 16-6a-1604 do not apply to an association.
 - (b) The provisions of this section apply regardless of any conflicting provision in Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- (8) A lot owner's agent may, on the lot owner's behalf, exercise or assert any right that the lot owner has under this section.

Enacted by Chapter 325, 2015 General Session

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Appendix C

Records Request Form



TLPOA Information Request Form

Please complete the following:

Owner's Name _____

Lot # _____

Phone _____

Email _____

Purpose _____

Please detail your request:

After submitting your request to the TLPOA Mountain Manager, if approved, the information requested will be provided to you at the TLPOA office for your review. The records may not leave the office. Payment due in advance if copies are requested.

Owner signature

Date

Mountain Manager signature

Date

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Appendix D

Additional Rules and Regulations

1. GENERAL PROVISIONS:
 - 1.1 These Additional Rules and Regulations (the “Rules and Regulations”) are adopted by the Board of Directors pursuant to the Utah Community Association Act and the CC&Rs.
 - 1.2 These Rules apply to all Owners, occupants, guests, mortgagees, purchasers at foreclosure sales, and any other Person who may enter the Property at any time.
 - 1.3 Every Person to whom these Rules apply is personally responsible for any violation of the Governing Documents. The Owner of any Lot is jointly and severally responsible for any violation of these Rules and Regulations with any person occupying his or her Lot and with any guests of, or persons associated with, any persons occupying his or her Lot. An Owner's responsibility under this section, is not limited if, for any reason, the Owner is not aware of the person(s) occupying or visiting his or her Lot. For any violations of these rules related to a particular Lot or its occupants, or any persons associated with the Owner or the guests of anyone occupying his or her Lot, the Board of Directors may seek to enforce the Governing Documents against the following:
 - 1.3.1 Any Non-Owner, occupant, guest, or other person violating the Governing Documents,
 - 1.3.2 The Owner only, or
 - 1.3.3 Any Persons violating the Governing Documents and the Owner.
 - 1.4 All further restrictions, rights, and covenants contained in the Governing Documents as defined above are incorporated as part of these Rules and Regulations and are subject to the enforcement policies set forth in these Rules and Regulations.
2. ENFORCEMENT OF RULES AND TERMS OF GOVERNING DOCUMENTS
 - 2.1 The Board of Directors may enforce any violation of the Governing Documents, including the Articles of Incorporation, the CC&Rs, the MA, the BL, the PP&Rs, the ACRs, the EG, and EH, the Plat, or these Rules

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- and Regulations (collectively, the “Governing Documents”) through any reasonable and lawful action, any action provided for in any section of these Rules and Regulations, and any enforcement mechanism provided for in the Governing Documents.
- 2.2 Each and every type of violation of each and every provision of the Governing Documents and the Act is hereby made specifically subject to and punishable by the specific fines provided for in these Rules and Regulations.
- 2.3 The Board of Directors retains the right to apply the enforcement policies set forth in these Rules and Regulations to any matter or action not specifically covered in these Rules and Regulations but which is harmful to the health, welfare, and safety of an Owner or the Association and to take any reasonable and appropriate action in response to anything adversely affecting the value of the Lots or Common Area or adversely affecting the use or operation of the Lots or the Common Area. The Board of Directors retains this authority pursuant to the Governing Documents.
- 2.4 Any violation or continuing violation of these, the Governing Documents, may result in any one or more of the following actions as deemed appropriate and reasonable by the Board of Directors or as otherwise required or allowed by the Governing Documents or the Act:
- 2.4.1 Give a warning;
 - 2.4.2 Issue a fine (pursuant to the schedule and requirements below);
 - 2.4.3 Record a lien;
 - 2.4.4 Institute legal action for damages, injunction, etc.;
 - 2.4.5 Enter into or upon any Lot to make repairs and to do other work necessary for the proper maintenance and operation of the Project;
 - 2.4.6 With regard to parking violation, immobilize the vehicle with the application of a “boot;”
 - 2.4.7 Refer the matter to or file a complaint with the appropriate authorities;
 - 2.4.8 Specially assess any repair cost incurred when repairing damage caused by a violation of the Governing Documents;

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- 2.4.9 Restrict the Owner, occupant, guest or other person from using TimberLakes amenities;
- 2.4.10 Take any other appropriate action including but not limited to, any action provided for in the Governing Documents or these Rules.
- 2.5 If any two sections in the Governing Documents apply to the same incident or matter, any proscribed penalties, fees, fines, or remedies may be in addition to one another, according to the reasonable determination of the Board of Directors.
- 2.6 Owners in violation of these Governing Documents will be assessed and must pay all reasonable legal fees, collection costs, lien fees, management fees, processing fees and all other costs incurred by the association related to enforcing the provisions of the Governing Documents. Further, the cost of repair of any damage caused by a violation of the Governing Documents may be specially assessed against the Owner for any damaged caused by the Owner, occupant, guest, or other person violating the Governing Documents.
- 2.7 Enforcement Action Other Than Fines
 - 2.7.1 Upon notice of an enforcement action other than a fine, the Owner may request a hearing under the same procedure provided below for fines. If a hearing is requested, the rules and procedures for a hearing on a fine shall be followed, except that the enforcement action shall not be stayed.
- 2.8 Fines
 - 2.8.1 The Board of Directors is hereby authorized to issue fines for a violation of any provision of the Governing Documents. The Board of Directors may act through its agents, including TLPOA employees, Contractors and may delegate authority to issue fines to the Manager.
 - 2.8.2 A fine may be assessed for each and every specific type of violation of each and every specific provision, prohibition, and requirement of any of the Governing Documents.
 - 2.8.3 The fine for each and every violation of these Governing Documents shall be in the specific amount that is provided for in this section 2.8, unless a specific fine amount is provided elsewhere in the Governing Documents.

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- 2.8.3.1 First Violation. The Association shall give a written warning to the Owner, by hand delivery, first class mail or email, which shall notify the Owner of the violation and inform the Owner that a fine will be imposed if a second similar violation occurs within year after the day on which the written warning is given, or if a continuing violation is not cured within 48 hours. The warning letter shall describe the violation and state the provision of the Governing Documents that conduct violates. First Violation for parking on the roads and the vehicle is booted, the fine is \$75.00
- 2.8.3.2 Second Violation. Upon the second violation of the same type after a warning in any one-year time period, or a continuing uncorrected violation after the initial 48 hour warning period, a fine of \$150.00 shall be imposed on the Owner. No warning is required before the imposition of a fine after the second violation within a one-year period. For a second parking violation within a one-year period, the vehicle may be booted in addition to any other remedy.
- 2.8.3.3 Third Violation. Upon the third violation of the same type within a one-year period, or a continuing uncorrected violation at least ten-days after the assessment of the second fine, a fine of \$450.00 shall be imposed on the Owner. No warning is required before the imposition of a fine after the third violation within a one-year period. For the third parking violation within a one-year period, the vehicle may be booted in addition to any other remedy.
- 2.8.3.4 Fourth and Subsequent Violations. Upon the fourth violation and each additional violation of the same type within a one-year period, or each continuing violation at least ten-days after the assessment of the third and each subsequently assessed fine, a fine of \$1000.00 shall be imposed on the Owner. No warning is required before the imposition of a fine after the fourth or subsequent violation within a one-year period. For a fourth or subsequent parking violation within a one-year period, the vehicle may be booted in addition to any other remedy.
- 2.8.4 A Owner who is assessed a fine may request an informal hearing to protest or dispute the fine within thirty (30) days from the date the

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fine is assessed. The hearing shall be conducted in accordance with the standards below.

- 2.8.5 If a hearing is requested, no interest or late fees shall accrue related to the fine until after the hearing has been conducted and a final decision has been rendered by the Association.
- 2.8.6 All requests for hearing shall be in writing and shall be mailed or delivered to the Board of Directors or the Manager.
- 2.8.7 The hearing must occur within thirty (30) days after the Owner delivers a written request for hearing and the Owner shall have notice of the hearing at least fourteen (14) days before the date of the hearing.
- 2.8.8 Any hearing as a result of such a request shall be governed by the following rules:
 - 2.8.8.1 The Owner must appear at the time and place designated by the Board of Directors for the hearing. The Owner, or any Board Member, or anyone else involved in the hearing, may participate via electronic communication if requested in advance in writing to the Board of Directors or the Manager.
 - 2.8.8.2 At the hearing, the Owner contesting the fine shall be entitled to fifteen (15) minutes to present evidence to challenge the alleged occurrence of the violation of the rule or such other evidence and information as the Owner believes is pertinent or appropriate to the consideration of the Board of Directors.
 - 2.8.8.3 The Board of Directors may establish and announce at or before the hearing any other reasonable rules regarding the hearing.
 - 2.8.8.4 Within ten (10) days of the hearing, the Board of Directors shall issue and mail to the Owner a written decision regarding the dispute.
 - 2.8.8.5 The Board of Directors' decision shall be final.
 - 2.8.8.6 The Board of Directors may rely on any reasonable information and evidence in determining whether or not a

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violation of the Rules has occurred both initially and after a hearing.

- 2.8.8.7 A fine assessed pursuant to this section which remains unpaid after the Board of Directors' decision, or after the time for requesting a hearing has expired without a hearing being requested, may be collected as an unpaid Assessment as set forth in the Governing Documents and these Rules.
- 2.8.8.8 Unpaid fines are due ten (10) days after the Board's decision upholding the fine or ten (10) days after the time for requesting a hearing has expired without a hearing being requested. Unpaid fines which are not paid by the due date shall accrue interest as unpaid assessments as defined in the Timber Lakes Resolution of the Board of Directors Assessment Billing & Collection Policy, or any similar document which updates or replaces the same.

3. REPORTING VIOLATIONS

- 3.1. Owners and Residents may report violations of the Rules to the Board of Directors, Manager, or any TLPOA employee so that the safety, security, and community environment are protected.
- 3.2. Although not always necessary, the following information is requested when reporting a suspected violation of the Rules and Regulations, either in writing, or by telephone:
 - 3.2.1. The name and address of the Person reporting the violation;
 - 3.2.2. The name and/or Lot number of the Person or Lot related to or owned by the Persons alleged to have committed the violation (or any other reasonable method of identifying the Person or Lot);
 - 3.2.3. A reasonably detailed description of what the Person saw or heard, or some other explanation supporting the Person's knowledge of a violation;
 - 3.2.4. The date, time, and location that the Person saw or otherwise perceived the violation; and
 - 3.2.5. The Rule the Person believed was violated.

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- 3.3. The Board of Directors shall have absolute discretion in determining whether information provided related to a suspected violation results in any enforcement action.

4. ROADS AND RECREATIONAL RULES

- 4.1. All persons in the Project shall obey the speed limits. The speed limits are 35 MPH on paved roads, except where designated slower, and 25 MPH on all dirt roads.
- 4.2 Winter speed limits are 25 MPH on all roads, or as dictated by conditions
- 4.3 Children must ride recreational vehicles with helmets (18 years and younger)
- 4.4 No one may damage any roads inside the Project, including, but not limited to causing “donuts,” ruts, etc., damaging or defacing Association property including signage, etc., and no one may trespass on any property including common area or property owned by others.
- 4.5 Current year Timber Lakes owner stickers are required on all “Non-highway registered” motorized vehicles, including snowmobiles, ATVs, side-by-sides, etc.
- 4.6 Parking: There is no parking at any time on any road in Timber Lakes. All vehicles and or trailers that are parked on the roadway will be booted and fined \$75 for per occurrence. The only legal parking is in the owner’s driveway and the parking lot next to the office. Snowmobile trailers and the vehicle towing the trailer may be parked at Duck Lake *during the winter only*. During the winter, no solo vehicles may be parked at Duck Lake; no trailers may be parked at Office lot during winter. In order to park in the Office Lot or to park a snowmobile trailer at Duck Lake, the Owner is required to obtain a parking pass from security and leave it on the vehicle dashboard and attach a pass to the trailer hitch. No vehicle may be parked in violation of this section.
- 4.7 All persons must follow TLPOA road safety signs.
- 4.8 No sledding, skiing or tubing on Lake Pines Drive, Blue Spruce, Timber Lakes Drive or Ridge Line is permitted

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- 4.9 Snowmobiles, ATVs, and motorcycles with modified exhaust systems are not allowed in Timber Lakes
- 4.10 Discharging a firearm and or hunting (of any kind) in Timber Lakes are both illegal. (See CC&Rs Article IV, Section 14.)
- 4.11 No nuisance is permitted, and no noxious or offensive activity shall be carried on within the Project nor shall anything be done or permitted which shall constitute a public nuisance herein.” (See CC&Rs Article IV, Section 14).
- 4.12 No one may damage any TLPOA property, including, but not limited to, the TLPOA front gate arms.

5. COMMERCIAL SIGNAGE

- 5.1 No signs of any kind promoting a business or for the purpose of encouraging a sales transaction, including “For Sale by Owner” signs, are permitted.

6. TREE CUTTING

- 6.1. Any live tree cutting must have prior written approval from the TLPOA Board.
 - 6.1.1. Cutting live trees to place a new home on the lot
 - 6.1.1.1. Place a red ribbon on trees to be cut and photograph.
 - 6.1.1.2. Submit photographs along with building plans and application to the TLPOA office for Board approval.
 - 6.1.2. Keeping a fire zone around the cabin
 - 6.1.2.1. A Fire Hazard Severity form must be completed and submitted to Wsatch County. The County will recommend a fire zone for the property.
 - 6.1.2.2. Place a red ribbon on trees to be cut and photograph.

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- 6.1.2.3. Submit photographs along with recommendations from Wasatch County to the TLPOA office for Board approval.
- 6.1.3. Cutting live trees for a driveway
 - 6.1.3.1. Place a red ribbon on trees to be cut and photograph.
 - 6.1.3.2. Submit photographs to the TLPOA office for Board approval.
- 6.1.4. Cutting live trees to build a play or lawn area
 - 6.1.4.1. Place a red ribbon on trees to be cut and photograph.
 - 6.1.4.2. Submit photographs to the TLPOA office for Board approval.

7. SNOW REMOVAL:

- 7.1 The removal of snowfall and accumulated snow on individual Lots, including driveways and walkways is the responsibility of the Lot Owner.
- 7.2 The Association has no responsibility to remove snow from any part of a Lot, including driveways or walkways. Lot Owners may determine the method and frequency of removing snow on their own Lot, so long as such method or frequency complies with the requirements in this Section.
- 7.3 Lot Owners shall not push, move or pile snow onto any Road maintained by the Association or onto any neighbor's lot without the permission of such neighbor.
- 7.4 Lot Owners shall confine accumulated snow to their own Lot or, after receiving permission, to a neighbor's Lot.
- 7.5 Lot Owners may not allow snow from their Lot to accumulate on any road maintained by the Association, however snow may be pushed across the road if the Owner has permission to leave the snow on the other side.

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8. PETS:

8.1 Animals generally kept in households such as dogs, cats, birds, fish, hamsters, and ferrets are allowed in the development, subject to the terms and conditions of this Rule.

8.2 No livestock, poultry, or dangerous reptile may be kept in any Lot.

8.3 Notwithstanding the foregoing, no animal may be kept within a Lot which: (a) is raised, bred, kept, or maintained for any commercial purposes; (b) causes a nuisance; or (c) in the good faith judgment of the Board of Trustees, results in an annoyance, injury, the threat of injury, or is obnoxious to or unreasonably causes anxiety to other Owners or Occupants within Timber Lakes. The Board may exercise its judgment for specific animals even though others of the same breed or type are permitted to remain.

8.4 An Owner who keeps an animal within the Timber Lakes shall be liable for any and all damage caused by such animal, and shall indemnify and hold harmless the Association and any other Owner from any loss, claim or liability of any kind arising from, or related to, such animal.

8.5 All animals and Owners shall comply with the following requirements and any violation of shall be deemed a nuisance and a violation of this section and the Declaration:

8.5.1. All animals must be under control at all times. Animals may not run free in Timber Lakes.

8.5.2. All animals must be leashed if an Owner allows or takes the animal outside the Owner's Lot.

8.5.3. All fecal matter shall be immediately cleaned up in Timber Lakes.

8.5.4. All animals must be registered with the county. Incessantly barking dogs are not be permitted.

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Appendix E

**TIMBER LAKES
RESOLUTION OF THE BOARD OF DIRECTORS
ASSESSMENT BILLING & COLLECTION POLICY**

Approved at the June 20, 2018 Board Meeting

WHEREAS, "Declaration" is the Declaration of Protective Covenants, Conditions, Restrictions and Management Policies for Timber Lakes Estates; and "Bylaws" is the By-Laws of Timber Lakes Property Owners Association; and "Association" is the Timber Lakes Property Owners Association; and "Board" is the Board of Directors for Timber Lakes Property Owners Association;

WHEREAS, the Board for the Association desires to honor the intent of the governing documents for the Association for the mutual benefit of the membership; and

WHEREAS, Article V Section 1 of the Declaration states every owner of a Lot subject to assessments shall be members of the Association; and

WHEREAS, Article XI Section 1 of the Bylaws states each owner is obligated to pay to the Association annual and special assessments; and

WHEREAS, Article VI of the Declaration and Articles VII & XI of the Bylaws provide some specifics regarding the collection of said assessments, additional policy is needed to mutually benefit the membership; and

WHEREAS, it is the intent that this resolution shall be applicable to all owners who are delinquent in paying any annual assessments or charges; special assessments, or any other amount or assessment levied or charged by the Association pursuant to the governing documents. Timelines for said charges, other than the Annual Assessment, shall be set, by resolution, at the time of said charges.

NOW, THEREFORE, BE IT RESOLVED that the following is adopted by the Board:

1. Annually, by November 30, the Board will determine the annual assessment amount for owners for the next fiscal year (July 1 through June 30). The Association will post the assessment amount on the website.
2. Statements will be emailed from the Association to owners by December 31.
 - a) Although a statement is emailed out as a courtesy to owners, the assessment is due and payable even if you do not receive the statement. Failure to pay an assessment by its due date because you do not receive a statement does not relieve you of Late Fees, Interest, Statement Fees and/or any other cost incurred in that time.
 - b) Owners are responsible for notifying the Association of any change in mailing addresses, email addresses and telephone numbers.
3. Assessments for the fiscal year July 1 through June 30 of the following year are due January 1 and are considered delinquent if not paid by March 31.
4. Owner accounts not paid in full by March 31 will be assessed a \$50 Late Fee as of that date.

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5. Additionally, owner accounts not paid in full by March 31 shall bear Interest at a rate of 12% per annum from the due date (January 1). Interest will be posted on the last day of each month, on any balance as of the last day, accordingly.

6. Additionally, a Pre-Collection Notice Letter and statement will be emailed by April 15 and an administrative fee of \$15 shall be charged to the delinquent account in addition to all other applicable charges. The assessment and any administrative fee is due and payable regardless of whether an owner receives the Assessment or Pre-Collection Notice Letter.

7. Any account with any remaining balance as of May 31, including assessments, Late Fees, Interest, Statement Fees and/or any other fees, will be emailed a Collection Letter (Intent to Lien Notice) by June 15. A collection fee (not to exceed \$200) shall be charged to the delinquent account in addition to all other applicable charges. The assessment and any administrative fee, collection fee, interest, or other fees are due and payable regardless of whether an owner receives the Collection Letter, Pre-Collection Letter or statement.

8. Any account with any remaining balance, including assessments, Late Fees, Interest, Statement Fees and/or any other fees, as of June 30, will have a lien placed on the property. A lien fee, as well as all other charges, fees, costs and attorneys' fee incurred, shall be charged to the delinquent account in addition to all other applicable charges.

9. Any account with any remaining balance, including assessments, Late Fees, Interest, Statement Fees, Lien Fees and/or any other fees, as of July 31 will be turned over to a Third Party (Management, Collection Agency and/or Attorney) for further collection actions, which may include obtaining a judgment against the owner or foreclosure of the property.

10. Once an owner has been turned over to a Collection Agency or Attorney for collections, the owner shall work directly with the Collection Agency or Attorney to resolve the collection and shall not contact the Board or its agent about the collection efforts.

11. Payments will be applied to oldest outstanding balance first unless otherwise stated in the governing documents.

12. It is the responsibility of each Owner within the Association to ensure that the Association has the Owner's up to date contact information, including email address. All of the assessments, charges, fees, costs, attorneys' fee, and charges contemplated in this document shall be assessed and come due as provided for in this document without regard to whether or not an Owner actually received any particular notice, letter, or demand.

NOW, BE IT FURTHER RESOLVED, the Board (or their agents) may allow owners to enter into a payment contract to avoid additional collection costs before being sent to a Collection Agency or Attorney. Payment contracts will require accounts be paid off within 6 months. Interest and/or Late Fees will continue to accrue on the outstanding balance until account is brought current. If at any time the payment contract is violated, the collection process will resume.

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NOW, BE IT FURTHER RESOLVED, Liens shall be immediately filed upon all owners who place their homes/lots for sale, who are delinquent for any amount of time with all applicable fees as described above.

NOW, BE IT FURTHER RESOLVED, if a payment is not honored by the bank, the Owner will be charged an NSF fee per current bank rates.

NOW, BE IT FURTHER RESOLVED, all legal fees and costs incurred in the collection of a delinquent account shall be assessed against the delinquent owner and shall be collected as an assessment as provided by this resolution, the Association's governing documents and/or applicable law.

NOW, BE IT FURTHER RESOLVED, all contacts and/or contracts with the delinquent owner shall be through the Attorney after it has been turned over to Attorney. Neither the Board nor any of its agents shall discuss the collection of the account directly with the owner after it has been turned over to an Attorney, unless one of the attorneys is present or has consented to the contact and/or contract.

NOW, BE IT FURTHER RESOLVED, Attorney shall have the discretion to enter into an installment payment plan with a delinquent owner in appropriate circumstances that provide for complete payment within six (6) months. In any payment plan, the amount due shall continue to accrue interest, and the Owner shall be responsible for any legal fees incurred that result from collections or from the payment plan.

NOW, BE IT FURTHER RESOLVED, Attorney, in its initial demand notice, shall communicate to owner the account has been turned over to the attorney for collection, and all payments are to be made to Attorney until the account has been brought current. Attorney shall deposit all payments in its trust account. All amounts collected shall be disbursed by Attorney according to the provisions of the Association and Attorney representation agreement.

NOW, BE IT FURTHER RESOLVED, nothing in this Resolution precludes the Board from taking further action in the collection of unpaid assessments permitted by the Association's governing documents or applicable law, including, but not limited to, adopting or enforcing rules restricting access to and use of recreational and service facilities available to owners and suspending voting rights, and after giving notice and an opportunity to be heard, terminate the rights of any owners to receive such benefits or services during any period an owner is delinquent.

NOW, BE IT FURTHER RESOLVED, the Board is directed to consult with Attorney and turn over for collection immediately any outstanding account where the owner files or is the subject of a petition for relief in bankruptcy or a lender has commenced any action for foreclosure of its lien against the unit.

NOW, BE IT FURTHER RESOLVED, a copy of this resolution shall be posted to the community's website.

Revision History

Approved

Revision 1

December 6, 2001

Revision 2

Modified Sec. 5.2.4.4

October 3, 2002

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Revision 3	Added Sec 5.2.10.7.1 & 7.1.1	October 17, 2002
Revision 4	Added Sec 5.4 Modified Sec 4.2.8, 5.2.5.1, 7.4.5 Deleted Sec 5.1.5.8 Renamed Sec 5.2.10 to 5.3	January 2, 2003
Revision 5	Modified Sec 5.3.3 Added Appendix A	February 20, 2003
Revision 6	Reformatted entire document Modified Sec 1, 2, 3 Corrected and conformed Sec 5.1.6 Deleted chart in Sec 5.2 Corrected Sec 5.2.1 Corrected and conformed Sec 5.2.4. Modified Sec 5.2.5 Deleted Sec 5.2.8.1 through 5.2.8.6 and 5.2.9 Modified Sec 5.3, 5.4 Deleted Sec 5.5 and replaced with new Renamed Sec 5.6 to 5.7 and added new Sec 5.6 Moved Sec 6 to Sec 5 and modified Sec 5.7 Moved Sec 7.1 and 7.2 to Sec 6 and corrected errors Modified Sec 6.1.1 Renamed Sec 7.3 to Sec 6.3 & deleted Sec 6.4 (prev 7.3.3) Modified Sec 6.3.7 and added new Sec 6.4 Renamed Sec 7.4 to Sec 6.5 and deleted Sec 6.5.5 Modified new Sec 6.5.5 Modified Sec 6.7, 6.8 and 6.9 Added Sec 6.10 and 6.11 Conformed Appendix A to current policy Added Appendices B & C, approved October 17, 2002 Added modified Appendix D, first approved August 5, 2009	January 13, 2010
Revision 7	Added the form for Appendix C Conformed Appendix D to current policy	Sept 18, 2013
Revision 8	Conformed Appendix D to current policy	November 19, 2014
Revision 9	Conformed Appendix D to current policy	January 21, 2015
Revision 10	Conformed Appendix D to current policy	May 20, 2015
Revision 11	Conformed Appendix D to current policy	Sept 8, 2015
Revision 12	Conformed Appendix D to current policy	November 18, 2015
Revision 13	Conformed Appendix B to current Policy	April 20, 2016
Revision 14	Added Appendix E Added Assessment Billings & Collection Policy Added to PP&P 2016-06-15 (approved by the Board on January 15, 2015) Posted on the web the 17 th of Jan. 2015	
Revision 15	Adoption of Pet Rules (Board Meeting June 21, 2017)	

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- Revision 16 Adoption of Snow Removal-Individual Lots (Board Meeting June 21, 2017)
- Revision 17 Adoption of a Revised Billing & Collection Policy (Board Meeting June 20, 2018)
- Revision 18 Adoption of new fine amounts (Board Meeting March 20, 2019)