

**AMENDED AND RESTATED WESTVIEW ESTATES HOMEOWNERS'
ASSOCIATION BYLAWS** Effective October 16, 2022

Amending Bylaws of 10-22-20 ²⁰²⁰ 015647

**ARTICLE I
ORGANIZATION NAME**

The name of this organization shall be the Westview Estates Homeowners' Association, hereafter referred to as the "Association."

**ARTICLE II
OBJECTIVE**

To promote fellowship of the residents, and fair and impartial enforcement of Westview Estates Covenants, Conditions and Restrictions ("CC&Rs") and Association rules, aiming toward enhanced livability in a safe community and the preservation of the value of the property of each member.

**ARTICLE III
MEMBERSHIP, DUES, AND FINES**

Section 1. Every lot owner of Westview Estates shall be a member of the Association.

Section 2. The membership dues of the Association shall be established by a majority of the Executive Board prior to the end of the fiscal year and continue in effect until changed in the same manner at a subsequent meeting.

Section 3. Membership shall be based on the calendar year, January 1 through December 31, Dues shall be paid to the Association Treasurer by no later than the 15th of January of each calendar year. New member dues will be prorated for the remainder of the calendar year, and shall be paid within 15 days after notification by the Association Treasurer.

Section 4. Failure to pay dues or any other Association fines or interest within 30 days after the due date shall result in the non-paying member being automatically suspended from the Association until all back dues or fines are paid in full.

Section 5. The Executive Board shall pursue such remedies (including, but not limited to, enforcement of the lien provisions created pursuant to the CC&Rs) as the Board deems necessary or advisable against members whose dues, fines, late fees or interest are not paid in accordance with sections 2, 3 and 4 of this Article or under Article XI, Section 6.

RECORDED IN POLK COUNTY
Valerie Unger, County Clerk

2022-012621



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Amendment & Restatement 10-16-2022

REC-BY Cnt=1 Str=1 K. WILLIAMS
\$40.00 \$10.00 \$11.00 \$60.00 \$5.00

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Section 6. Any member who is suspended from the Association shall have no voting rights or say in the business of the Association. Further, a suspended member may not be elected to any Officer positions, be selected for a committee position, participate in any Association activity, or enjoy any of the benefits of an active member. As used in these Bylaws, "voting member" means a member of the Association whose dues have been fully paid in accordance with section 3 of this Article. and who owes no other fines to the Association under Article XI, Section 6.

Section 7. A member who is suspended from the Association shall not be relieved of the responsibility to comply with Westview Estates CC&Rs and/or Association rules. Further, the Association shall have the right to enforce Westview Estates CC&Rs and its rules regardless of membership status.

Section 8. Each lot owners who are voting members shall be entitled to only one (1) vote per residence. When more than one (1) person holds an interest in any lot, the vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be allowed per lot. Nothing in these Bylaws is intended to prevent two members, who reside on the same lot, from serving concurrently as officers or committee chairs, so long as dues owing with respect to such lot are fully paid, and each such member has a recorded legal interest in such lot.

ARTICLE IV OFFICERS AND COMMITTEE CHAIRS

Section 1. Officers of the Association shall be the President, Vice President, Secretary, Treasurer, and the appointed Member-at-Large.

Section 2. Officers shall make up the Executive Board of the Association.

Section 3. Any Officer may be removed for cause by action of a two-thirds vote of the membership at the annual meeting.

Section 4. The Executive Board shall be vested with the sole authority to commit the Association to any legal or quasi-judicial proceedings.

ARTICLE V DUTIES OF OFFICERS

Section 1. President. The Association President shall be the Chief Executive and Administrative Officer of the Association. The President shall conduct the affairs of the Association in accordance with its Bylaws and in accordance with policy decisions of the Executive Board. The President shall report on his or her actions at all meetings of the Association.

The President shall direct the activities of such staff, organizers and representatives to effectively carry out the functions of the office.

The President shall, with the approval of the Executive Board, engage necessary technical and professional services, legal counsel and other services as needed.

Section 2. Vice-President. The Association Vice-President shall attend and participate in all meetings of the Association and Executive Board, unless excused by the President.

The Vice-President shall fulfill those duties and obligations as delegated by the President and;

Shall perform the duties and fulfill the responsibilities of the President in the absence of the President.

Section 3. Treasurer. The Association Treasurer shall attend and participate in all the meetings of the Association and Executive Board, unless excused by the President.

The Treasurer or a Management Company shall fulfill those duties and obligations as delegated by the President.

Shall be the custodian of all monies of the Association and shall prepare and present a financial statement of all income and expenditures at each annual meeting.

Shall be the primary signer of all checks, ensuring that checks exceeding an amount set by the Executive Board have a second signature of the President prior to the check being issued and;

Shall perform the duties and fulfill the responsibilities of the Vice-President in the absence of the Vice-President.

Section 4. Secretary. The Association Secretary shall attend and participate in all meetings of the Association and Executive Board unless excused by the President.

The Secretary or a Management Company shall fulfill those duties and obligations as delegated by the President.

Shall keep the minutes of all meetings of the Association and Executive Board, and present those minutes at the next meeting. The Secretary shall be responsible for the handling of all absentee and proxy balloting as needed and;

Shall perform the duties and fulfill the responsibilities of the Treasurer in the Treasurer's absence.

Section 5. Member-at-Large. The Association Member-at-Large shall attend and participate in all meetings of the Association and Executive Board unless excused by the President.

The Member-at-Large shall be responsible for accepting Landscape and Architectural Review applications and complaints from owners, and presenting them to the Executive Board.

The Member-at-Large or a Management Company shall fulfill those duties and obligations as delegated by the President.

Section 6. Upon resignation or the end of an officer's term, such officer shall, within ten (10) days, return all files accumulated or acquired during their term to the Secretary. This shall include, but not be limited to, distribution list, membership lists and information, keys, emails, email passwords or any assistance required to change email addresses, letterhead, and office supplies.

ARTICLE VI COMMITTEES

Section 1. The Executive Board, at its sole discretion, may establish Ad Hoc working or advisory committees and may delegate committee responsibilities when needed as beneficial to the Association. Ad Hoc Committees may be terminated by vote of the Board at any time.

Section 2. Each committee shall consist of not more than 5 members of the Association. Each committee shall elect a chair to report its activities the Executive Board.

Section 3. Association members interested in being on one of the committees shall submit their names to the Association Secretary. The Executive Board will make appointments to the committees.

Section 4. Committee assignments are for a period of one year from the date of appointment but committee members may be reappointed.

Section 5. Committee chairs may attend and participate in all meetings of the Association, unless excused by the President.

ARTICLE VII LANDSCAPE AND ARCHITECTURAL REVIEW

Section 1. Landscape and Architectural Review. The Executive Board shall be responsible for overseeing all landscape work to the entrance to Westview Estates and the property outside the fence line adjacent to Wallace Road and Michigan City Lane up to Lake Vanessa Circle NW, as well as any future additions. The Executive Board shall hire necessary services as needed to maintain said property and may delegate such duties to a management company. The Executive Board also shall oversee compliance with Westview Estates CC&Rs with respect to substantial alterations of, or additions to, existing structures and grounds, as well as general maintenance of properties. All Owner-proposed alterations shall be submitted in writing to the Member-at-Large who shall accept applications on behalf of the Executive Board. Noncompliance with the CC&Rs shall be reported to the Member-at-Large on behalf of the Executive Board for remedial action. The Executive Board by resolution shall adopt a procedure for enforcing compliance with the CC&Rs where voluntary compliance appears unlikely.

Section 2. It is recognized that, especially during early years of this subdivision, some provisions of the CC&Rs were not always strictly enforced with respect to construction of residences and auxiliary structures and installation of landscaping schemes. In carrying out their duties, the Landscape and Architectural Committee and the Executive Board may exercise flexibility and discretion in the enforcement of the CC&Rs as to existing construction and landscaping that meets standards of attractiveness generally prevailing in the subdivision, so as to avoid unnecessary expense to property owners. However, nothing in this section relieves a homeowner from the duty of complying with all provisions of the CC&Rs pertaining to maintenance and use of residences, auxiliary structures, fences, yards, sidewalks and driveways.

**ARTICLE VIII
NOMINATIONS, ELECTIONS AND BALLOTING PROCEDURES**

Section 1. Association members in good standing are eligible to be nominated for Officer positions. Nominations may only be made by members of the Association in good standing.

Section 2. The term of office for all Officers shall be 12 months, and shall run from January 1st through December 31st.

Section 3. Nominations for Officer Positions shall be submitted to the Executive Board not later than October 1st of each year.

Section 4. Elections for the Officer positions shall be held at the annual meeting not later than October 31 of each year. Each voting member who cannot be present at the annual meeting shall receive, upon request to the Secretary, an absentee ballot or proxy bearing the names of the candidates nominated for each office. These marked ballots must be returned to the Secretary not later than the day before the annual meeting.

Section 5. At the annual meeting, each voting member of the Association present shall receive a ballot bearing the names of the candidates nominated for each office. Each person present holding one or more proxies under section 5, Article XI of these Bylaws shall receive a ballot for each such proxy. The marked, folded ballots shall be placed in a receptacle, along with the absentee ballots submitted to the Secretary in a timely manner. When balloting is completed, the Executive Board shall appoint two members who shall proceed to tally the ballots. Any voting member present may observe and verify the tally. The President shall announce the results when the tally is complete.

Section 6. The candidate who receives the greatest number of votes cast for an office shall be elected.

Section 7. If the office of President becomes vacant by reason of death, resignation or other disqualification, the Vice-President shall assume the office of President. If the office of Vice-President, Secretary or Treasurer becomes vacant, the remaining officers shall appoint a qualified voting member to fill the vacancy. If the Member-at-Large position becomes vacant, the officers shall appoint a qualified voting member to fill the vacancy. Any successor officer or the Member-at-Large shall serve for the remainder of the term so filled.

Section 8. Any owner may give a revocable proxy to any person, so long as such proxy is in writing, signed by such owner, and filed with the Secretary. A proxy shall expire on the date provided in writing by the grantor. If no expiration date is provided, a proxy shall expire on the earlier of (a) six months after the date of the proxy, or (b) the date of the sale of the owner's lot by the owner.

ARTICLE IX MEETINGS

Section 1. Meetings of the Association Executive Board shall occur at least quarterly, and at other times on the call of the President. The President is a nonvoting member except in the case of tie votes.

Section 2. Association meetings shall occur annually during the month of October. The President shall send a notice of the time and place of the annual meeting to each voting member. Additional meetings may be held on the call of the President, a majority of the members of the Executive Board of the Association, or if 30% of the Association voting members make a written request to the Association President for a meeting. The Association President shall then set the meeting and notify all Association voting members. This additional meeting shall be held within 30 days after the President's or Executive Board's call or written request.

Section 3. For purposes of taking action during Association meetings, ten percent of the total number of voting members, including proxies and absentee ballots, shall constitute a quorum.

Section 4. The Executive Board, in its discretion, may provide that a vote, approval, or consent of a member may be given by electronic ballot. An electronic ballot means a ballot given by electronic mail, facsimile transmission, posting on a website, or other means of electronic communication acceptable to the Executive Board. If an electronic ballot is posted on a website, a notice of the posting shall be sent to each member and shall contain instructions on obtaining access to the posting on the website. A vote made by electronic ballot is effective when it is electronically transmitted to an address, location, or system designated by the Executive Board for that purpose. A vote by electronic ballot may not be revoked unless otherwise provided in the Bylaws or rules adopted by the Executive Board. The Executive Board shall ensure that the electronic ballot is secret.

ARTICLE X AMENDMENTS TO BYLAWS

Section 1. Bylaws may be amended, revised or otherwise changed by at least 30 percent of the Association's voting members who are present, or have submitted absentee ballots or proxies, at an annual meeting.

Section 2. Proposed amendments shall be submitted in writing to the Secretary 30 days prior to the annual meeting. The Secretary shall be responsible for mailing or delivering the proposals at least 10 days prior to the annual meeting. Referral to the membership must be done upon the occurrence of one of the following:

Majority vote of the Executive Board that a particular amendment should be submitted to the membership; or

Petition signed by not fewer than 35 voting members requesting that an amendment be placed before the membership.

ARTICLE XI
MISCELLANEOUS PROVISIONS

Section 1. Except to the extent specified in these Bylaws, no officer of the Association shall have the power to act as agent for or otherwise bind the Association, in any way whatsoever. No member or group of members or other persons shall have the power to act on behalf of, or otherwise bind, the Association except to the extent specifically authorized in writing by the President or the Executive Board.

Section 2. No loans shall be authorized to any Association officer or member. No compensation shall be paid to any officer of the Association; however, an officer may be reimbursed for reasonable expenses incurred in carrying out authorized Association business, including but not limited to defense of legal actions. A general member who volunteers to perform work functions for the Association, and acting with the express written authority and scope of the Executive Board may be reimbursed for materials not to exceed \$200.00.

Section 3. Special assessments may be levied only when deemed necessary by the Executive Board. The assessment may only be that necessary to carry on the work of the Association.

Section 4. All disputes concerning the interpretation, application, enforcement, or meaning of any provision of these Bylaws shall be resolved by the Executive Board. Appeals may be made to the membership at an annual meeting.

Section 5. The Executive Board may adopt administrative rules/policies, regulations governing the enforcement of the CC&Rs, and regulations governing potential fines and assessments for violations of the CC&Rs. Such administrative rules, regulations and policies may be amended by a simple majority of the voting members present, including absentee ballots and proxies, at the annual meeting.

Section 6. These Bylaws take when recorded with the Polk County Recorder and supersede in their entirety the Bylaws originally voted and approved. However, this does not impair any election held before October 1, 2014 nor any action taken by the Officers, Executive Board or voting member taken before October 1, 2014, all of which hereby are validated, ratified and confirmed.

Section 8. The owner or owners of every residence within the Westview Estates Subdivision shall notify the Secretary of the Association upon leaving such residence either permanently or for a period exceeding six months, whether or not such residence is being rented, and advise the Secretary of a mailing address where he or she, or they, can be contacted regarding obligations under the CC&Rs and these Bylaws. Such owner or owners remain responsible to carry out obligations under the CC&Rs and Bylaws, and remain subject to any penalties for noncompliance.

Adopted October 16, 2022

[Signature Page to follow]

The undersigned hereby certifies that these AMENDED AND RESTATED WESTVIEW ESTATES HOMEOWNERS' ASSOCIATION BYLAWS have been adopted in accordance with the WESTVIEW ESTATES HOMEOWNERS' ASSOCIATION BYLAWS (Effective 10-16-2022) and with the Oregon Planned Community Act, ORS 94.550 - 94.783.

Westview Estates Homeowners Association

Michael J Crop

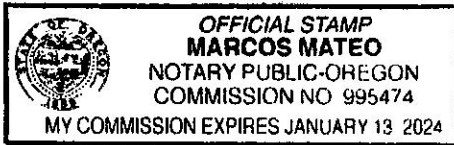
Michael Crop, President

Maureen Pointer

Maureen Pointer, Secretary

STATE OF OREGON)
) ss.
 County of Polk)

Personally appeared the above-named Michael Crop, President of Westview Estates Homeowners' Association, and acknowledged the foregoing instrument to be his voluntary act and deed this 2nd day of December, 2022.



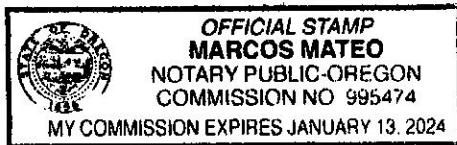
Marcos Mateo

NOTARY PUBLIC FOR OREGON

My commission expires: January 13th 2024

STATE OF OREGON)
) ss.
 County of Polk)

Personally appeared the above-named, Maureen Pointer, Secretary of Westview Estates Homeowners' Association, and acknowledged the foregoing instrument to be her voluntary act and deed this 2nd day of December, 2022.



Marcos Mateo

NOTARY PUBLIC FOR OREGON

My commission expires: January 13th 2024